

NORTH CAROLINA REGISTER

VOLUME 33 • ISSUE 1 • Pages 1 – 83

July 2, 2018

I. EXECUTIVE ORDERS	
Executive Order No. 44-45	1 – 5
II. PROPOSED RULES	
Public Safety, Department of	
Department	6 – 7
Environmental Quality, Department of	
Water Treatment Facility Operator Certification Board	7 – 8
Occupational Licensing Boards and Commissions	
Midwifery Joint Committee	8 – 9
Nursing, Board of	9 – 47
III. APPROVED RULES	48 – 72
Agriculture and Consumer Services, Department of	
Department	
Health and Human Services, Department of	
Child Care Commission	
Health Service Regulation, Division of	
Public Safety, Department of	
Alarm Systems Licensing Board	
IV. RULES REVIEW COMMISSION	73 – 79
V. CONTESTED CASE DECISIONS	
Index to ALJ Decisions	80 – 83

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NORTH CAROLINA REGISTER
Publication Schedule for January 2018 – December 2018

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE				TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
32:13	01/02/18	12/06/17	01/17/18	03/05/18	03/20/18	04/19/18	05/01/18	05/2018	09/29/18
32:14	01/16/18	12/19/17	01/31/18	03/19/18	03/20/18	04/19/18	05/01/18	05/2018	10/13/18
32:15	02/01/18	01/10/18	02/16/18	04/02/18	04/20/18	05/17/18	06/01/18	01/2019	10/29/18
32:16	02/15/18	01/25/18	03/02/18	04/16/18	04/20/18	05/17/18	06/01/18	01/2019	11/12/18
32:17	03/01/18	02/08/18	03/16/18	04/30/18	05/21/18	06/21/18	07/01/18	01/2019	11/26/18
32:18	03/15/18	02/22/18	03/30/18	05/14/18	05/21/18	06/21/18	07/01/18	01/2019	12/10/18
32:19	04/02/18	03/09/18	04/17/18	06/01/18	06/20/18	07/19/18	08/01/18	01/2019	12/28/18
32:20	04/16/18	03/23/18	05/01/18	06/15/18	06/20/18	07/19/18	08/01/18	01/2019	01/11/19
32:21	05/01/18	04/10/18	05/16/18	07/02/18	07/20/18	08/16/18	09/01/18	01/2019	01/26/19
32:22	05/15/18	04/24/18	05/30/18	07/16/18	07/20/18	08/16/18	09/01/18	01/2019	02/09/19
32:23	06/01/18	05/10/18	06/16/18	07/31/18	08/20/18	09/20/18	10/01/18	01/2019	02/26/19
32:24	06/15/18	05/24/18	06/30/18	08/14/18	08/20/18	09/20/18	10/01/18	01/2019	03/12/19
33:01	07/02/18	06/11/18	07/17/18	08/31/18	09/20/18	10/18/18	11/01/18	01/2019	03/29/19
33:02	07/16/18	06/22/18	07/31/18	09/14/18	09/20/18	10/18/18	11/01/18	01/2019	04/12/19
33:03	08/01/18	07/11/18	08/16/18	10/01/18	10/22/18	11/15/18	12/01/18	01/2019	04/28/19
33:04	08/15/18	07/25/18	08/30/18	10/15/18	10/22/18	11/15/18	12/01/18	01/2019	05/12/19
33:05	09/04/18	08/13/18	09/19/18	11/05/18	11/20/18	12/20/18	01/01/19	01/2019	06/01/19
33:06	09/17/18	08/24/18	10/02/18	11/16/18	11/20/18	12/20/18	01/01/19	01/2019	06/14/19
33:07	10/01/18	09/10/18	10/16/18	11/30/18	12/20/18	01/17/19	02/01/19	05/2020	06/28/19
33:08	10/15/18	09/24/18	10/30/18	12/14/18	12/20/18	01/17/19	02/01/19	05/2020	07/12/19
33:09	11/01/18	10/11/18	11/16/18	12/31/18	01/22/19	02/21/19	03/01/19	05/2020	07/29/19
33:10	11/15/18	10/24/18	11/30/18	01/14/19	01/22/19	02/21/19	03/01/19	05/2020	08/12/19
33:11	12/03/18	11/07/18	12/18/18	02/01/19	02/20/19	03/21/19	04/01/19	05/2020	08/30/19
33:12	12/17/18	11/26/18	01/01/19	02/15/19	02/20/19	03/21/19	04/01/19	05/2020	09/13/19

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date.



State of North Carolina

ROY COOPER
GOVERNOR

AMENDED AND REISSUED

June 11, 2018

EXECUTIVE ORDER NO. 44

DECLARATION OF A STATE OF EMERGENCY

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

WHEREAS, the remnants of Subtropical Storm Alberto ("Alberto") brought sustained rains to western North Carolina beginning on May 27, 2018; and

WHEREAS, an earlier weather system had already saturated western North Carolina with ten to twenty inches of rain since May 15, 2018; and

WHEREAS, there has been flooding, road closures, and landslides in many areas of western North Carolina as a result of the sustained rains from Alberto and the earlier weather system; and

WHEREAS, these recent weather events in western North Carolina collectively constitute a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19); and

WHEREAS, certain measures are necessary to ensure the protection and safety of North Carolina residents and coordinate the emergency response among state and local entities and officials; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the Governor to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1.

I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19), exists in the following North Carolina counties: Alexander, Alleghany, Ashe, Avery, Burke, Buncombe, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Lincoln, Jackson, Macon, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rowan, Rutherford, Stanly, Swain, Transylvania, Union, Watauga, Wilkes, and Yancey.

The emergency area, as defined in N.C. Gen. Stat. §§ 166A-19.3(7) and 166A-19.20(b), is comprised of the following North Carolina counties: Alexander, Alleghany, Ashe, Avery, Burke, Buncombe, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Lincoln, Jackson, Macon, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rowan, Rutherford, Stanly, Swain, Transylvania, Union, Watauga, Wilkes and Yancey ("the Emergency Area").

Section 2.

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan ("the Plan").

Section 3.

I delegate to Erik A. Hooks, the Secretary of the North Carolina Department of Public Safety, or his designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Section 4.

Further, Secretary Hooks, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

Section 5.

I further direct Secretary Hooks or his designee to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and seek reimbursement for costs incurred by the State in responding to this emergency.

Section 6.

I hereby order that this declaration be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the state of emergency would prevent or impede this; and (3) distributed to others as necessary to ensure proper implementation of this declaration.

Section 7.

This declaration does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 8.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 9.

This declaration is effective May 30, 2018, and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 11th day of June in the year of our Lord two thousand and eighteen.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER

GOVERNOR

AMENDED AND REISSUED

June 11, 2018

EXECUTIVE ORDER NO. 45

**TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS TO ENSURE
RESTORATION OF UTILITY SERVICES AND TRANSPORTING ESSENTIALS**

WHEREAS, the impacts from flooding, road closures, and landslides from the remnants of Subtropical Storm Alberto beginning May 27, 2018, and the sustained rains from a separate weather system dating back to May 15, 2018, will require the transportation of vehicles bearing equipment and supplies for utility restoration and debris removal, carrying essentials such as food and medicine, and transporting livestock and poultry and feed for livestock and poultry through North Carolina highways; and

WHEREAS, I have declared that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19), exists due to the impact of flooding, road closures, and landslides on this State; and

WHEREAS, the emergency area, as defined in N.C. Gen. Stat. §§ 166A-19.3(7) and 166A-19.20(b), is comprised of the following North Carolina counties: Alexander, Alleghany, Ashe, Avery, Burke, Buncombe, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Lincoln, Jackson, Macon, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rowan, Rutherford, Stanly, Swain, Transylvania, Union, Watauga, Wilkes, and Yancey; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, livestock and poultry feed, and medical supplies to residential and commercial establishments is essential before, during, and after the storm and any interruption in the delivery of those commodities threatens the public welfare; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the State's residents; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the Governor, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

WHEREAS, with the concurrence of the Council of State, I have found that vehicles engaging in debris removal, bearing equipment and supplies for utility restoration, and carrying essentials to respond to the emergency shall not have to adhere to all the registration requirements of N.C. Gen. Stat. §§ 20-86.1 and 20-382, the fuel tax requirements of N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49, and the size and weight requirements of N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119; and

WHEREAS, I have found that the State's residents may suffer losses and will likely suffer imminent further widespread damage within the meaning of N.C. Gen. Stat. §§ 166A-19.3(3) and 166A-19.21(b); and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry or crops ready to be harvested, the Governor shall direct the North

Carolina Department of Public Safety (“DPS”) to temporarily suspend weighing vehicles used to transport livestock, poultry, or crops; and

WHEREAS, 49 C.F.R. § 390.23 allows the Governor of a state to suspend the rules and regulations under 49 C.F.R. Parts 390-399 for up to thirty (30) days if the Governor determines that an emergency condition exists; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 should be waived for (1) persons transporting essential fuels, food, water, medical supplies, and feed for livestock and poultry; (2) persons transporting livestock, poultry, and crops; and (3) vehicles used in the restoration of utility services.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1.

For purposes of this Executive Order, the emergency area is the following counties: Alexander, Alleghany, Ashe, Avery, Burke, Buncombe, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Lincoln, Jackson, Macon, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rowan, Rutherford, Stanly, Swain, Transylvania, Union, Watauga, Wilkes, and Yancey (“the Emergency Area”).

Section 2.

DPS, in conjunction with the North Carolina Department of Transportation (“DOT”), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381.

Section 3.

DPS, in conjunction with DOT, shall waive certain size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 20-86.1 and 20-382, and certain registration and filing requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49 for vehicles transporting equipment and supplies for the restoration of utility services and transportation facilities, and vehicles carrying essentials and equipment for any debris removal.

Pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles used to transport livestock, poultry, or crops and feed to livestock and poultry in the Emergency Area.

Section 4.

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.
- b. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.
- c. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total, overall vehicle combination’s length exceeds seventy-five (75) feet from bumper to bumper.
- d. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (1) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend “Oversized Load” in ten (10) inch black letters, 1.5 inches wide; and (2) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet six (6) inches in width.

Section 5.

Vehicles referenced under Sections 3 and 4 of this Executive Order shall be exempt from the following registration requirements:

- a. The requirement to obtain a temporary trip permit and pay the associated \$50.00 fee listed in N.C. Gen. Stat. § 105-449.49 is waived for such vehicles. No filing of a quarterly fuel tax return is required as the exemption in N.C. Gen. Stat. § 105-449.45(b)(1) applies.
- b. The registration requirements under N.C. Gen. Stat. § 20-382.1 concerning intrastate for-hire authority and N.C. Gen. Stat. § 20-382 concerning interstate for-hire authority are waived; however, vehicles shall maintain the required limits of insurance as required.
- c. Non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified in this Executive Order.

Section 6.

The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. This order shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.

Section 7.

The waiver of regulations under Title 49 of the Code of Federal Regulations ("Federal Motor Carrier Safety Regulations") does not apply to the Commercial Drivers' License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.

Section 8.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 2 through 7 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 9.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are being used for bearing equipment and supplies for utility restoration, debris removal, carrying essentials in commerce, carrying feed for livestock and poultry, or transporting livestock, poultry or crops in the State of North Carolina.

Section 10.

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 11.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 12.

This Executive Order is effective May 30, 2018, and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 11th day of June in the year of our Lord two thousand and eighteen.



 Roy Cooper
 Governor

ATTEST:



 Elaine F. Marshall
 Secretary of State



Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Department of Public Safety intends to readopt without substantive changes the rules cited as 14B NCAC 01C .0401, .0402; 07A .0104-.0116, .0118, .0119; 07C .0101 and .0102.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncdps.gov/administrative-rules

Proposed Effective Date: November 1, 2018

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): A request for a public hearing must be made within 15 days of notice. Email Rulemaking Coordinator Margaret McDonald at Margaret.mcdonald@ncdps.gov to request a public hearing.

Reason for Proposed Action: The Agency designated the above listed rules from Chapters 01C, 07A, and 07C of Title 14B of the North Carolina Administrative Code as "Necessary with Substantive Public Interest" during the Periodic Rule Review. These rules must now be readopted pursuant to G.S. 150B-21.3A.

Comments may be submitted to: Margaret McDonald, Department of Public Safety, 4201 Mail Service Center, Raleigh, NC 27699-4201

Comment period ends: August 31, 2018

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
Local funds affected
Substantial economic impact (≥\$1,000,000)
Approved by OSBM
No fiscal note required by G.S. 150B-21.4
No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 01 - DEPARTMENT RULES

SUBCHAPTER 01C - STATE LAW ENFORCEMENT ASSISTANCE DURING LABOR DISPUTE

SECTION .0400 - COSTS

14B NCAC 01C .0401 AGREEMENT TO PAY COSTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 01C .0402 STATEMENT OF COSTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

CHAPTER 07 - STATE HIGHWAY PATROL

SUBCHAPTER 07A – ENFORCEMENT REGULATIONS

SECTION .0100 – ENFORCEMENT REGULATIONS

14B NCAC 07A .0104 VEHICLE REMOVAL PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0105 SECURING VEHICLES WHEN OPERATOR IS ARRESTED (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0106 VEHICLES TRANSPORTED AND STORED OVER OBJECTION OF OWNER (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0107 PARKING VEHICLES OFF THE ROADWAY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0108 TRANSPORTING AND STORING VEHICLES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0109 NOTIFICATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0110 RELEASE OF VEHICLES
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0111 VEHICLE INVENTORY
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0112 REIMBURSEMENT OF
WRECKER OPERATORS (READOPTION WITHOUT
SUBSTANTIVE CHANGES)

14B NCAC 07A .0113 FINANCIAL INTEREST
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0114 IMPARTIAL USE OF SERVICES
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0115 ROTATION, ZONE, CONTRACT,
AND DEVIATION FROM SYSTEM (READOPTION
WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0116 ROTATION WRECKER
SERVICE REGULATIONS (READOPTION WITHOUT
SUBSTANTIVE CHANGES)

14B NCAC 07A .0118 SANCTIONS FOR VIOLATIONS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 07A .0119 HEARING PROCEDURES
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 07C – MOTOR CARRIER SAFETY
REGULATIONS

SECTION .0100 – SAFETY RULES AND REGULATIONS

14B NCAC 07C .0101 SAFETY OF OPERATION AND
EQUIPMENT (READOPTION WITHOUT SUBSTANTIVE
CHANGES)

14B NCAC 07C .0102 HAZARDOUS MATERIALS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL
QUALITY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Water Treatment Facility Operator Certification Board intends to readopt with substantive changes the rule cited as 15A NCAC 18D .0206.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://deq.nc.gov/permits-regulations/rules-regulations/proposed-rules>

Proposed Effective Date: November 1, 2018

Public Hearing:
Date: August 7, 2018

Time: 10:00 a.m.

Location: Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury Street, Raleigh, NC 27604

Reason for Proposed Action: The selected rule listed in the Register is from 15A NCAC 18D and was reviewed/revise pursuant to SL 2013-413. Draft changes were initiated per recommendations from a Board subcommittee that was tasked with improving the rule language. It is deemed necessary and beneficial for public water systems to retain licensed cross-connection control operators to oversee the maintenance and functionality of backflow prevention assemblies, regardless of where the assemblies are physically connected to a distribution system. Such oversight is required to reduce the introduction of contamination into the potable water supply. This requirement will better ensure that public health is protected through a variety of activities performed by the licensed cross-connection control operator.

Comments may be submitted to: Jay Frick, 1634 Mail Service Center, Raleigh, NC 27699, email jay.frick@ncdenr.gov.

Comment period ends: August 31, 2018

Procedure for Subjecting a Proposed Rule to Legislative

Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18D – WATER TREATMENT FACILITY
OPERATORS

SECTION .0200 – QUALIFICATION OF APPLICANTS
AND CLASSIFICATION OF FACILITIES

15A NCAC 18D .0206 CERTIFIED OPERATOR REQUIRED

(a) All public water ~~systems~~ systems, ~~except transient non-community systems with either or both ultraviolet light disinfection, or softening (not required by 15A NCAC 18C the North Carolina Department of Environmental Health Public Water Supply Section), as the only treatment applied to water, must shall~~ have a certified operator in responsible charge for each water treatment facility that alters the physical, chemical, or microbiological characteristics of the water; has approved plans for such alterations; or has equipment installed for such alterations. ~~Upon vacancy of a position resulting in noncompliance with this requirement each facility~~ The owner shall ~~must~~ notify the Board ~~Office and Division of Environmental Health Public Water Supply Section Regional Office, in writing, in writing~~ within 10 days of a vacancy that results in noncompliance with this Rule.

(b) There ~~shall~~ must be an operator holding at least a Grade C-Surface certification ~~or above~~ assigned to be on duty on the premises when a surface water treatment facility is treating water. Implementation of this requirement is subject to the following provisions:

- (1) ~~Upon upon~~ vacancy of a position resulting in noncompliance with this requirement the owner shall ~~each facility must~~ notify the Board ~~Office~~ within 24 hours or at the start of the next regular business day of such vacancy; and
- (2) ~~Upon upon~~ such vacancy the owner ~~the facility must~~ shall fill the position with a certified ~~grade~~ Grade C-Surface operator or an operator with a temporary Grade C-Surface certification within 90 days.

(c) There ~~shall~~ must be an operator in responsible charge for the distribution portion of ~~the~~ community and non-transient non-community public water systems. This operator shall ~~must~~ possess a valid distribution certificate issued by the Board with the grade equivalent to or exceeding the water system's distribution classification. ~~classification facility for which he or she is designated.~~ A system serving 100 or fewer service connections is shall be exempt from this requirement if it has an operator in responsible charge as required in Paragraph (a) of this Rule. A system which that is classified as D-distribution only may use a Board-certified state-certified distribution, well well, or surface operator to meet the operator in responsible charge requirements of this Rule.

(d) ~~Effective July 1, 2003 there~~ shall be an operator in responsible charge for the cross-connection-control facilities ~~of the distribution system for all of any public water systems~~ system required by 15A NCAC 18C .0406(b) to have five or more testable backflow prevention assemblies. ~~This~~ The operator shall possess a valid ~~Grade~~ Cross-Connection-Control certificate issued by the Board.

(e) All operators of community and non-transient non-community public water systems shall follow the standard operating procedures established by the operator in responsible charge. ~~Any decisions~~ Decisions about water quality or quantity that affect public health which that have not been ~~defined~~ addressed in the standard operating procedures shall ~~must~~ be

referred to the operator in responsible charge or to the certified operator on duty.

(f) No operator in responsible charge is required for transient non-community public water systems with either or both ultraviolet light (uv) disinfection or softening (if not required by 15A NCAC 18C ~~the North Carolina Department of Environmental Health Public Water Supply Section~~) as the only treatment applied to water.

Authority G.S. 90A-20; 90A-28; 90A-29; 90A-32.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 33 – MIDWIFERY JOINT COMMITTEE

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Midwifery Joint Committee intends to readopt without substantive changes the rules cited as 21 NCAC 33 .0101-.0105, .0110-.0111.

Pursuant to G.S. 150B-21.2(c)(1), the text of rules to be readopted without substantive changes are not required to be published. The text of the rules is available on the OAH website: <http://reports.oah.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncbon.com

Proposed Effective Date: *November 1, 2018*

Public Hearing:

Date: *July 26, 2018*

Time: *9:00 a.m.*

Location: *NC Board of Nursing, 4516 Lake Boone Trail, Raleigh, NC 27607-2129*

Reason for Proposed Action: *In accordance with G.S. 150B-21.3 the Midwifery Joint Committee conducted a review of 21 NCAC Chapter 33 and approved re-adoption of these rules without substantive changes.*

Comments may be submitted to: *Angela Ellis, NC Board of Nursing, PO Box 2129, Raleigh, NC 27602-2129; fax 919-781-9461; e-mail midwifery.public.comment@ncbon.com*

Comment period ends: *August 31, 2018*

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m.

on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
Local funds affected
Substantial economic impact (>=\$1,000,000)
Approved by OSBM
No fiscal note required by G.S. 150B-21.4
No fiscal note required by G.S. 150B-21.3A(d)(2)

SECTION .0100 - MIDWIFERY JOINT COMMITTEE

21 NCAC 33 .0101 ADMINISTRATIVE BODY AND DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 33 .0102 FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 33 .0103 APPLICATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 33 .0104 PHYSICIAN SUPERVISION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 33 .0105 DUE PROCESS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 33 .0110 REPORTING CRITERIA (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 33 .0111 CONTINUING EDUCATION (CE) (READOPTION WITHOUT SUBSTANTIVE CHANGES)

CHAPTER 36 – BOARD OF NURSING

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Board of Nursing intends to amend the rules cited as 21 NCAC 36 .0120, .0201, .0207, .0208, .0217, .0401, .0402, .0502-.0507, .0601-.0605, readopt with substantive changes the rules cited as 21 NCAC 36 .0109, .0112, .0113, .0202, .0203, .0211, .0213, .0218-.0221, .0223-.0226, .0228, .0232, .0233, .0302, .0303, .0317, .0318, .0320, .0321, .0323, .0403-.0406, and readopt without substantive changes the rules cited as 21 NCAC 36 .0309, .0322, and .0801-.0815.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncbon.com

Proposed Effective Date: November 1, 2018

Public Hearing:

Date: July 26, 2018

Time: 9:00 a.m.

Location: NC Board of Nursing, 4516 Lake Boone Trail, Raleigh, NC 27607

Reason for Proposed Action: In accordance with G.S. § 150B-21.31 the Board of Nursing conducted a review of 21 NCAC Chapter 36 and approved the following:

Re-adoption without substantive changes: Rules 21 NCAC 36 .0309, .0322 and .0801- .0815. These Rules were determined to be "necessary with substantive public interest" and are required to be re-adopted. No amendments are proposed for these Rules.

Re-adoption with substantive changes: Rules 21 NCAC 36 .0109, .0112, .0113, .0202, .0203, .0211, .0218 - .0221, .0223 - .0226, .0228, .0232, .0233, .0302, .0303, .0317, .0318, .0320, .0321, .0323, .0403-.0406 were determined to be "necessary with substantive public interest" and are required to be re-adopted. Amendments are proposed to these Rules to modernize requirements for election, licensure and education programs, clarify language and update references.

Amend Rules 21 NCAC 36 .0120, .0201, .0207, .0208, .0217, .0401, .0402, .0502-.0507, .0601-.0605. These Rules were determined to be "necessary without substantive public interest" and are not required to be readopted; however, the Board proposes amendments to add definitions, modernize requirements of licensure, clarify language and update references.

Comments may be submitted to: Angela Ellis, NC Board of Nursing, PO Box 2129, Raleigh, NC 27602-2129; fax (919) 781-9461; email public.comment@ncbon.com

Comment period ends: August 31, 2018

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
Environmental permitting of DOT affected

- Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 36 .0109 SELECTION AND QUALIFICATIONS OF NURSE MEMBERS

(a) Vacancies in nurse member positions on the Board that are scheduled to occur during the next year shall be announced in the last issue of the ~~North Carolina Board of Nursing Board's~~ "Bulletin" for the calendar year, which shall be ~~mailed to the address on record for each North Carolina licensed nurse and posted on the Board's website at www.ncbon.com.~~ The "Bulletin" and ~~Board's website at www.ncbon.com~~ shall include a petition form for nominating a nurse to the Board and information on filing the petition with the Board.

(b) Each petition shall be checked with the records of the Board to validate that the ~~nominee candidate~~ and each petitioner holds a ~~current an active unencumbered~~ North Carolina license to practice nursing. If the ~~nominee candidate is does not currently licensed, hold an active unencumbered license,~~ the petition shall be declared invalid. If any petitioners ~~are do not currently licensed hold an active unencumbered licenses~~ and this decreases the number of petitioners to less than 10, the petition shall be declared invalid.

(c) ~~On forms~~ In a format provided by the Board, each nominee candidate shall: shall submit a packet with the following information:

- (1) indicate the category for which the ~~nominee candidate~~ is seeking election;
- (2) attest to meeting the qualifications specified in G.S. 90-171.21(d);
- (3) provide ~~written~~ permission to be listed on the ~~ballot, slate;~~ and
- (4) complete the Application for Boards and Commissions in accordance with ~~Governor Perdue's Executive Order 55: 55 Enhanced Disclosures from Applicants to Boards and Commissions.~~

The ~~forms must~~ candidate packet shall be received by the Board or postmarked on or before April 15, 15 by electronic submission, mailed copy with postmarked envelope, or in-person received by Board staff during normal business hours.

- (1) electronic submission;
- (2) mailed copy with postmarked envelope; or
- (3) in-person received by Board staff during normal business hours.

(d) Minimum on-going employment requirements for the registered nurse or licensed practical nurse member shall include continuous employment equal to or greater than 50% of a full-time position that meets the criteria for the specified Board member position.

(e) This Paragraph applies in determining qualifications for registered nurse categories of membership:

- (1) Nurse Educator includes any nurse who teaches in or directs a ~~Board approved~~ Board-approved nursing program in the specific category as outlined in G.S. 90-171.21(d).
- (2) Hospital is defined as any facility which has an organized medical staff and which is designed, used, and primarily operated to provide health care, diagnostic and therapeutic services, and continuous nursing services to inpatients, but excludes nursing homes and adult care homes.
- (3) A hospital system is defined as a multihospital system, or a single diversified hospital system that includes a hospital as defined in Subparagraph (e)(2) of this Rule plus non-hospital ~~preacute pre-acute and postacute post-acute~~ pre-acute and post-acute client services.
- (4) A nurse accountable for the administration of nursing services shall be the chief nurse executive of a hospital, hospital system, or the director of nursing services for a service division that includes inpatient care within a hospital or hospital system.
- (5) A nurse practitioner, nurse anesthetist, nurse midwife or clinical nurse specialist includes any advanced practice registered nurse who meets the criteria specified in G.S. 90-171.21(d)(4).

(f) The term "nursing practice" when used in determining qualifications for registered or licensed practical nurse categories of membership, means any position for which the holder of the position is required to hold a ~~current an active~~ current an active license to practice nursing at the appropriate licensure level for each category.

(g) A ~~nominee candidate~~ shall be listed in only one category on the ~~ballot, slate.~~

(h) Separate slates shall be prepared for election of registered nurse ~~nominees candidates~~ and for election of licensed practical nurse ~~nominees, candidates, Nominees Candidates~~ shall be listed in random order on the slate for licensed practical nurse ~~nominees candidates~~ and within the categories for registered nurse ~~nominees, candidates.~~ Slates shall be published in the "Bulletin" and posted ~~to on~~ on the Board Board's website at www.ncbon.com following the Spring Board meeting and shall be accompanied by biographical data on ~~nominees candidates~~ and a ~~passport type~~ photograph.

(i) The procedure for voting shall be identified in the "Bulletin" and posted on the Board's website at www.ncbon.com following the Spring Board meeting.

(j) The Board of Nursing may contract with a computer or other service to receive the votes and tabulate the results.

(k) The tabulation of results ~~and verification~~ of the ~~tabulation of~~ votes shall ~~include the following:~~

- (1) ~~The certificate number shall be provided for each individual voting; and~~
- (2) ~~The certificate number shall be verified by matched matching each license number with the database from the Board.~~

(l) A plurality vote shall elect. If more than one ~~person candidate~~ is to be elected in a category, the plurality vote shall be in descending order until the required number has been elected. In any election, if there is a tie vote between ~~nominees, candidates,~~

the tie shall be resolved by a draw from the names of ~~nominees~~ candidates who have tied.

(m) The results of an election shall be recorded in the minutes of the next regular meeting of the Board of ~~Nursing~~ following the election and shall include at least the following:

- (1) the number of nurses eligible to vote;
- (2) the number of votes cast; and
- (3) the number of votes cast for each ~~person~~ candidate on the slate.

(n) The results of the election shall be ~~forwarded~~ reported to the Governor ~~and the Governor shall commission those elected to the Board of Nursing, and in the annual report as directed in G.S. 93B-2 and G.S. 138A.~~

(o) All petitions to nominate a nurse, signed consents to appear on the slate, verifications of qualifications, and copies of the computerized validation and tabulation shall be retained for a period of ~~three months~~ four years following the close of an election.

Authority G.S. 90-171.21; 90-171.23(b).

21 NCAC 36 .0112 DETERMINATION OF VACANCY

(a) A Board member, with the exception of the At-Large Registered Nurse, shall notify the Executive Director immediately upon change of employment.

~~(a)(b) Except for the RN At Large Member, should a licensed Licensed nurse member members of the Board Board, with the exception of the At-Large Registered Nurse, who cease to meet the employment criteria as defined in G.S. 90-171.21(d) and Rule .0109 Paragraphs (d) and (e) of this Section, the member Section shall have 60 days to resume employment in the designated area. If employment criteria for the specified area are not met within 60 days, the seat shall be declared vacant. Provided, however, that if such a change in employment for the specified category of Board member occurs within 18 months of the end of the member's term, such member may continue to serve until the end of the term.~~

~~(b)(c) If at any time a registered nurse member member, with the exception of the At-Large Registered Nurse, no longer meets the eligibility requirements listed in G.S. 90-171.21(d)(1)(a) and (a1), such member shall no longer continue to serve and the position shall be declared vacant.~~

~~(c)(d) If at any time a licensed practical nurse member no longer meets the eligibility requirements listed in G.S. 90-171.21(d)(2)(a) and (a1), such member shall no longer continue to serve and the position shall be declared vacant.~~

~~(d) Any vacancy of an unexpired term shall be filled according to G.S. 90-171.21(e).~~

Authority G.S. 90-171.21(c); 90-171.23(b).

21 NCAC 36 .0113 DETERMINATION OF QUALIFICATIONS

(a) For purposes of G.S. 90-171.21 90-171.21 and Rule .0109(d) and (e) of this Section, the Board shall determine whether a person meets the employment requirements by examining consider the following factors: factors when determining whether a candidate is qualified to run for election:

- (1) whether the licensee is presently employed equal to or greater than 50% of a full-time ~~position; position in the specified area of practice in which they seek to serve;~~
- (2) ~~the number of days during the preceding three years devoted to practice in the specified activity that would qualify the licensee for election in that category; whether the licensee has been employed equal to or greater than 50 percent of a full-time position in the area of practice in which they seek to serve for the preceding three years;~~
- (3) the duration of any periods of interruption of engaging in the specified ~~activity~~ area of practice during the preceding three years and the reasons for any such interruptions;
- (4) job descriptions, contracts, and any other relevant evidence concerning the time, effort, and education devoted to the specified ~~activity;~~ area of practice; and
- (5) whether engagement in the specified ~~activity~~ area of practice is or has been for compensation, and whether income ~~from the specified activity derived therefrom~~ meets the eligibility requirements for the specified nurse member category.

(b) While serving on the Board, currently seated Board members, with the exception of the At-Large Registered Nurse, must maintain employment equal to or greater than 50 percent of a full-time position in the specified area of practice that qualified the member for the position.

Authority G.S. 90-171.21(d); 90-171.23(b)(2).

21 NCAC 36 .0120 DEFINITIONS

The following definitions apply throughout this chapter unless the context indicates otherwise:

- (1) "Administrative Law Counsel" means an attorney whom the Board of ~~Nursing~~ has retained to serve as procedural officer for contested cases.
- (2) "Academic term" means one semester of a school year.
- (3) "Accountability/Responsibility" means being answerable for action or inaction of self, and of others in the context of delegation or assignment.
- (4) "Accredited institution" means an institution accredited by a United States Department of Education approved institutional accrediting body.
- (5) "Active Practice" means activities that are performed, either for compensation or without compensation, consistent with the scope of practice for each level of ~~licensee licensure~~ as defined in G.S. 90-171.20(4), (7), and (8).
- (6) "Advanced Practice Registered Nurse (APRN)" means a nurse practitioner, nurse anesthetist, nurse-midwife or clinical nurse specialist.

- (7) "Assigning" means designating responsibility for implementation of a specific activity or set of activities to ~~a person~~ an individual licensed and competent to perform such activities.
- (8) "Bulletin" means the official publication of the Board.
- ~~(8)~~(9) "Clinical experience" means application of nursing knowledge in demonstrating clinical judgment in a current or evolving practice setting where the student provides care to clients under the supervision of faculty or a preceptor.
- ~~(9)~~(10) "Clinical judgment" means the application of the nursing knowledge, skills, abilities, and experience in making decisions about client care.
- ~~(10)~~(11) "Competent" means having the knowledge, skills, and ability to safely perform an activity or role.
- ~~(11)~~(12) "Continuing Competence" means the on-going acquisition and application of knowledge and the decision-making, psychomotor, and interpersonal skills expected of the licensed nurse resulting in nursing care that contributes to the health and welfare of clients served.
- ~~(12)~~(13) "Contact Hour" means 60 minutes of an organized learning experience.
- ~~(13)~~(14) "Continuing Education Activity" means a planned, organized learning experience that is related to the practice of nursing or contributes to the competency of a nurse as outlined in 21 NCAC 36 .0223 Subparagraph (a)(2).
- ~~(14)~~(15) "Controlling institution" means the degree-granting organization or hospital under which the nursing education program is operating.
- ~~(15)~~(16) "Curriculum" means an organized system of teaching and learning activities directed toward the achievement of specified learning objectives and outcomes.
- ~~(16)~~(17) "Delegation" means transferring to a competent individual the authority to perform a selected nursing activity in a selected situation. The nurse retains accountability/responsibility for the delegation.
- ~~(17)~~(18) "Debriefing" means an activity that follows a clinical or simulated experience and is led by a trained faculty facilitator. Students' reflective thinking is encouraged, and feedback is provided regarding the students' performance during discussion of various aspects of the completed experiences.
- (19) "DHSR" means Division of Health Service Regulation.
- ~~(18)~~(20) "Dimensions of Practice" means those aspects of nursing practice that include professional responsibility, knowledge-based practice, ethical and legal practice, and collaborating with others, consistent with G.S. 90-171.20(4), (7), and (8).
- ~~(19)~~(21) "Distance education" means teaching and learning strategies used to meet the learning needs of students when the students and faculty are not in the same location.
- ~~(20)~~(22) "External standardized examination" means a commercially available standardized predictive test that provides individual student scores that are linked to a probability of passing the NCLEX™ examination.
- ~~(21)~~(23) "Faculty directed clinical practice" means clinical experiences provided under the accountability/responsibility and direction of nursing program faculty.
- ~~(22)~~(24) "Focused client care experience" means a clinical experience that emulates an entry-level work experience in nursing. The intent is to assist the student to transition to an entry-level nursing practice. There is no specific setting requirement. Supervision may be by faculty and preceptor dyad or direct faculty supervision.
- (25) "Initial Approval" means status assigned to a newly established nursing education program following submission of a complete application and documented evidence of compliance with Section .0300 of this Chapter. Programs on initial approval may admit students.
- ~~(23)~~(26) "Interdisciplinary faculty" means faculty from professions other than nursing.
- ~~(24)~~(27) "Interdisciplinary team" means all individuals involved in providing a client's care who cooperate, collaborate, communicate, and integrate care to ensure that care is continuous and reliable.
- ~~(25)~~(28) "Learning resources" means materials that faculty use to assist students in meeting the expectations for learning defined by the curriculum.
- ~~(26)~~(29) "Level of Licensure" means practice of nursing by either a ~~Licensed Practical Nurse~~ licensed practical nurse or a ~~Registered Nurse~~ registered nurse as defined in G.S. 90-171.20(7) and (8).
- ~~(27)~~(30) "Level of student" means the point in the program to which the student has progressed.
- ~~(28)~~(31) "Maximum enrollment" means the total number of pre-licensure students that can be enrolled in the nursing program at any one time. The number reflects the capacity of the nursing program based on demonstrated resources sufficient to implement the curriculum.
- ~~(29)~~(32) "Methods of Instruction" means the planned process through which teacher and student interact with selected environment and content so that the response of the student gives evidence that learning has taken place. It is based upon stated course objectives and outcomes for learning experiences in classroom, laboratory, ~~simulation~~ simulation, and clinical settings.

- ~~(30)~~(33) "National Credentialing Body" means a credentialing body that offers certification or re-certification in the licensed nurse's or Advanced Practice Registered Nurse's specialty area of practice.
- ~~(31)~~(34) "NCLEX-PN™" means the National Council Licensure Examinations for Practical Nurses.
- ~~(32)~~(35) "NCLEX-RN™" means the National Council Licensure Examinations for Registered Nurses.
- ~~(33)~~(36) "Nursing Accreditation body" means a national nursing accrediting body, recognized by the United States Department of Education.
- ~~(34)~~(37) "Nursing program faculty" means individuals employed full or part-time by academic institution responsible for developing, implementing, ~~evaluating~~ evaluating, and updating nursing curricula.
- ~~(35)~~(38) "Nursing project" means a project or research study of a topic related to nursing practice that includes a problem statement, objectives, ~~methodology~~ methodology, and summary of findings.
- ~~(36)~~(39) "Participating in" means to have a part in or contribute to the elements of the nursing process.
- ~~(37)~~(40) "Pattern of noncompliance" means episodes of recurring non-compliance with one or more Rules in Section .0300.
- ~~(38)~~(41) "Preceptor" means a registered nurse at or above the level of licensure that an assigned student is seeking, who may serve as a teacher, mentor, role ~~model~~ model, and supervisor for a faculty directed clinical experience.
- ~~(39)~~(42) "Prescribing Authority" means the legal permission granted by the Board of Nursing and Medical Board for the nurse practitioner and nurse midwife to procure and prescribe legend and controlled pharmacological agents and devices to a client in compliance with Board of ~~Nursing~~ rules and other applicable federal and state law and regulations.
- ~~(40)~~(43) "Program Closure" means to cease operation of a nursing program.
- ~~(41)~~(44) "Program" means a course of study that prepares an individual to function as an entry-level practitioner of nursing. The three "Program Types" are:
- (a) ~~BSN~~ Bachelor of Science - Curriculum components for ~~Bachelor of Science~~ BSN in Nursing provides for the attainment of knowledge and skill sets in the current practice in nursing, nursing theory, nursing research, community and public health, health care policy, health care delivery and finance, communications, ~~therapeutic interventions~~ interventions, and current trends in health care. For this

program type, the client is the individual, family, group, and community.

- (b) Associate Degree in Nursing (ADN)/Diploma in Registered Nursing - Curriculum components for the ADN/Diploma in Registered Nursing provides for the attainment of knowledge and skill sets in the current practice in nursing, community concepts, health care delivery, communications, ~~therapeutic interventions~~ interventions, and current trends in health care. For this program type, client is the individual, group of individuals, and family.
- (c) Practical Nurse Diploma - Curriculum prepares for providing direct nursing care under the supervision of a registered nurse or other health care provider as defined by the Nursing Practice Act. Curriculum components provide for the attainment of knowledge and skill sets in the current practice of practical nursing, communications, ~~therapeutic interventions~~, including pharmacology, growth and development, and current trends in health care. For this program type client is the individual or group of individuals.
- ~~(42)~~(45) "Review" means collecting and analyzing information to assess compliance with Section .0300 of this Chapter. Information may be collected by multiple methods, including review of written reports and materials, on-site observations, review of documents, and in-person or telephone interview(s) and conference(s).
- ~~(43)~~(46) "Rescind Approval" means a Board action that removes the approval status previously granted by the Board.
- ~~(44)~~(47) "Self-Assessment" means the process whereby an individual reviews ~~her or his~~ their own nursing practice and identifies the knowledge and skills possessed as well as those skills to be strengthened or acquired.
- ~~(45)~~(48) "Simulation" means a technique, not a technology, to replace or amplify clinical experiences with guided experiences that evoke or replicate substantial aspects of the real world of nursing practice in a fully interactive manner.
- ~~(46)~~(49) "Specialty" means a broad, population-based focus of study encompassing the common health-related problems of a particular group of patients and the likely co-morbidities, interventions, and responses to those problems.

- ~~(47)~~(50) "Supervision" means the provision of guidance or direction, evaluation, and follow-up by a licensed nurse to accomplish an assigned or delegated nursing activity or set of activities.
- ~~(48)~~(51) "Survey" means an on-site visit for the purpose of gathering data in relation to reviewing a nursing program's compliance with Section .0300 of this Chapter.

(2) is not currently the subject of an investigation by the Board for possible violation of the Nursing Practice Act or rules promulgated thereunder.

~~(a)(b)~~ A ~~registrant~~ An applicant whose licensure status is inactive or retired and who desires to resume the practice of nursing in North Carolina ~~shall be removed from inactive status and shall obtain a current license.~~ To this end the registrant shall:

- (1) ~~submit evidence of unencumbered license in all jurisdictions in which a license is or has ever been held; a completed application for reinstatement, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application.~~ Application is posted on the Board's website at www.ncbon.com;
- (2) ~~submit evidence of completion of all pending court conditions resulting from as a result of any misdemeanor or felony conviction(s); conviction(s).~~ The applicant shall provide a written explanation and any investigative report or court document evidencing the circumstances of the crime(s) if requested by the Board. The Board may use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and G.S. 90-171.37;
- (3) ~~submit evidence showing that the nurse is safe and competent to re-enter the practice of nursing; attest to self-certification that the applicant is of mental and physical health necessary to competently practice nursing;~~
- (4) ~~submit the current licensure application fee for renewal; as established in G.S. 90-171.27(b); and~~
- (5) ~~attest to having completed Continuing Competence continuing competence requirements and be prepared to submit evidence of completion if requested by the Board as specified in Rule .0232(b) of this Section.~~ Section;
- (6) ~~complete a criminal background check in accordance with G.S. 90-171.48.~~

In the event any of the above-required information indicates a concern about the applicant's qualifications, an applicant may be required to appear in-person for an interview with the Board if the Board determines in its discretion that more information is needed to evaluate the application.

~~(b)(c)~~ The ~~registrant~~ applicant whose license has been inactive or retired for a period of five years or more shall also submit:

- (1) self-certification that the ~~registrant~~ applicant is of mental and physical health necessary to competently practice ~~nursing; nursing;~~ and
- (2) evidence of ~~competency to resume the practice of nursing through:~~
 - (A) satisfactory completion of a Board-approved refresher course; or

Authority G.S. 90-171.23; 90-171.38.

SECTION .0200 – LICENSURE

21 NCAC 36 .0201 REGULAR BIENNIAL RENEWAL

(a) ~~Renewal notices~~ Each registered nurse or licensed practical nurse shall biennially renew their be sent no less than 60 days prior to expiration date of a license to all registrants whose licenses are due for biennial renewal. The notices will be mailed to each eligible registrant's address as it appears in the records of the Board. A license is issued for the following biennium when with the Board no later than the last day of the applicant's birth month by:

- (1) ~~all required information is submitted as requested on the application form; and submitting a completed application for renewal, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application. Applications for renewal are posted on the Board's website at www.ncbon.com;~~
- (2) ~~attesting to completion of continuing competence requirements and submitting evidence of completion if requested by the Board as specified in Rule .0232(b) of this Section; and~~
- ~~(2)(3)~~ all payment of required fees are received. submitting the fee for licensure renewal as established in G.S. 90-171.27(b).

(b) It shall be the duty of each ~~registrant~~ applicant to keep the Board informed of a current mailing ~~address.~~ address, telephone number, and email address.

~~(c)~~ Renewal applications must be postmarked on or before the date the current license expires.

~~(4)(c)~~ A member of the United States Armed Services is exempt from compliance if on active duty and to whom G.S. 105-249.2 grants an extension of time to file a tax return.

Authority G.S. 90-171.29; 90-171.23(b); 90-171.34; 90-171.37; 93B-15; 105-249.2.

21 NCAC 36 .0202 INACTIVE AND RETIRED STATUS

(a) A licensee who submits a request for inactive status may be granted such status by the Board provided the licensee:

- (1) holds an active unencumbered license issued by the Board; and

(B) proof of an active license in another jurisdiction within the last five years or an active license in another country within the last five years provided the individual was originally licensed by national licensure examination in the United States.

(d) If a refresher course is required, the ~~registrant~~ applicant shall apply for ~~reactivation~~ reinstatement of license within one year of completing the refresher course in order to receive a ~~current~~ an active license. The application for ~~reactivation~~ reinstatement shall include verification from the provider of the refresher course that the ~~registrant~~ applicant has satisfactorily met both theory and clinical objectives.

(d) ~~The Board shall decline to reactivate a license if it is not satisfied as to the applicant's competency to practice nursing.~~

(e) ~~A registrant~~ An applicant who has retired from the practice of nursing may request and be granted by the Board retired nurse status, provided the ~~registrant~~ applicant:

- (1) holds a ~~current~~ an active unencumbered license issued by the ~~North Carolina Board of Nursing;~~ Board;
- (2) is not currently the subject of an investigation by ~~this the~~ Board for ~~possible~~ alleged violation of the Nursing Practice Act; and
- (3) ~~pay~~ pays the application fee pursuant to G.S. 90-171.27(b).

(f) While remaining on retired status, the ~~registrant~~ applicant shall not practice nursing in North Carolina and shall not be subject to payment of the license renewal fee.

(g) The ~~registrant~~ applicant may use the title ~~Retired~~ "Retired Registered Nurse Nurse" or ~~Retired~~ "Retired Licensed Practical Nurse Nurse" once issued retired status.

(h) The ~~registrant~~ applicant whose licensure status is retired shall not be eligible to vote in Board elections.

(i) ~~A registrant whose licensure status is retired and who desires to resume the practice of nursing shall apply for reinstatement of a license to practice nursing and meet the same reinstatement requirements for a nurse on inactive status as set forth in Paragraphs (b) - (e) of this Rule.~~

(i) Any license issued shall be issued for the remainder of the biennial period.

Authority G.S. 90-171.21; 90-171.23(b) 90-171.27(b); 90-171.36; 90-171.36A; 90-171.37; 90-171.43.

21 NCAC 36 .0203 REINSTATEMENT OF LAPSED EXPIRED LICENSE

(a) The ~~registrant~~ applicant whose license has ~~lapsed~~ expired and who desires reinstatement of that license shall:

- (1) ~~furnish information required by these rules on forms provided by the Board;~~ submit a completed application for reinstatement, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application. The Application for Reinstatement

is posted on the Board's website at www.ncbon.com;

(2) ~~submit evidence of~~ have an active unencumbered license in all jurisdictions in which a license is or has ever been held;

(3) attest to having completed ~~Continuing Competence~~ continuing competence requirements and ~~be prepared to~~ submit evidence of completion if requested by the Board as specified in ~~21 NCAC 36 .0232(b).~~ Rule .0232(b) of this Section.

(4) ~~submit evidence of completion of all court conditions resulting from~~ have no pending court conditions as a result of any misdemeanor or felony ~~conviction(s);~~ conviction(s). Applicant shall provide a written explanation and any investigative report or court documents evidencing the circumstances of the crime(s) if requested by the Board. The Board may use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and G.S. 90-171.37;

(5) submit such other evidence that the Board may require according to these rules to determine whether the license should be reinstated;

(6) ~~provide a statement of the reason for failure to apply for renewal prior to the deadline; and complete a criminal background check after license has been expired for 30 calendar days in accordance with G.S. 90-171.48;~~

(7) attest to self-certification that the applicant is of mental and physical health necessary to competently practice nursing; and

(7)(8) ~~submit payment of reinstatement and renewal fee. the reinstatement fee as established in G.S. 90-171.27(b).~~

In the event any of the above-required information indicates a concern about the applicant's qualifications, an applicant may be required to appear in person for an interview with the Board if the Board determines in its discretion that more information is needed to evaluate the application.

(b) A member of the United States Armed Services is exempt from payment of reinstatement fee if on active duty and to whom G.S. 105-249.2 grants an extension of time to file a tax return.

(c) The ~~registrant~~ applicant whose license has lapsed for a period of five years or more shall also submit:

(1) ~~evidence of self-certification that the applicant is of~~ mental and physical health necessary to competently practice nursing; and

(2) evidence of satisfactory completion of a Board-approved refresher course or proof of active licensure within the past five years in another jurisdiction.

(d) If a refresher course is required, the ~~registrant~~ applicant shall apply for reinstatement of the license within one year of completing the refresher course in order to receive a ~~current~~ an active license. The application for reinstatement shall include verification from the provider of the refresher course that the ~~registrant~~ applicant has satisfactorily met both theory and clinical

objectives and is deemed competent to practice nursing at the appropriate level of licensure.

~~(e) The Board shall not reinstate a license if it is not satisfied as to the applicant's ability to practice nursing based on these rules.~~

(e) Any license issued shall be issued for the remainder of the biennial period.

Authority G.S. 90-171.23(b); 90-171.35; 90-171.37; 93B-15; 105-249.2.

21 NCAC 36 .0207 VERIFICATION TO ANOTHER STATE

~~The North Carolina Board of Nursing will shall verify a registrant licensee to another state or country upon receipt of a request from the registrant licensee or another Board of nursing Nursing which is accompanied by information properly identifying the registrant licensee and by the appropriate fee.~~

Authority G.S. 90-171.23(b)(3); 90-171.27(b).

21 NCAC 36 .0208 CHANGE OF NAME AND CONTACT

~~(a) In the event of a name or address change, the registrant must licensee shall submit a written, signed request for and provide identifying data, including certificate number and social security number, evidence of name or address change. This evidence may include, but is not limited to, the following:~~

- ~~(1) Marriage Certificate;~~
- ~~(2) Voter Registration Card;~~
- ~~(3) Social Security Card;~~
- ~~(4) Divorce document reflecting name change;~~
- ~~(5) Passport;~~
- ~~(6) Change of name certificate as issued by a court;~~
- ~~(7) Immigration document; and~~
- ~~(8) Driver's license.~~

~~(b) In the event of an address, email, or telephone change, the licensee shall submit the change online on the Board's website at www.ncbon.com within 30 calendar days of change.~~

Authority G.S. 90-171.23(b)(3); 90-171.27(b).

21 NCAC 36 .0211 LICENSURE BY EXAMINATION

~~(a) To be eligible for licensure by examination, an applicant shall:~~

- ~~(1) submit a completed application for licensure, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application. Application for Examination is posted on the Board's website at www.ncbon.com;~~
- ~~(2) submit the licensure application fee as established in G.S. 90-171.27(b);~~
- ~~(3) have an active unencumbered license in all jurisdictions in which a license is or has ever been held;~~
- ~~(4) have no pending court conditions as a result of any misdemeanor or felony conviction(s). The applicant shall provide a written explanation~~

and any investigative report or court documents evidencing the circumstances of the crime(s) if requested by the Board. The Board may use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and G.S. 90-171.37;

(5) submit a written explanation and all related documents if the nurse has ever been listed as a nurse aide and if there have ever been any substantiated findings pursuant to G.S. 131E-255. The Board may take these findings into consideration when determining if a license should be denied pursuant to G.S. 90-171.37. In the event findings are pending, the Board may withhold taking any action until the investigation is completed;

(6) complete a criminal background check in accordance with G.S. 90-171.48;

(7) apply to take and pass the National Council Licensure Examination (NCLEX™).

In the event any of the above required information indicates a concern about the applicant's qualifications, an applicant may be required to appear in person for an interview with the Board if the Board determines in its discretion that more information is needed to evaluate the application.

(a)(b) An applicant shall meet the educational qualifications to take the examination for licensure to practice as a registered nurse or licensed practical nurse by:

(1) graduating from a National Council State Board of Nursing (NCSBN) member Board-approved Board-approved nursing program (21 NCAC 36 -0300) in accordance with Section .0300 of this Chapter designed to prepare a person for registered nurse or licensed practical nurse licensure; or

(2) graduating from a nursing program outside the United States that is designed to provide graduates with comparable education preparation as required in 21 NCAC 36 .0321(b) through (d) for licensure as a registered nurse, nurse or licensed practical nurse, and submitting evidence from an evaluation agency of the required educational qualifications and evidence of English proficiency. The evaluation agency(s) for educational qualifications shall be selected from a list of evaluation agencies published by the National Council of State Boards of Nursing Inc., NCSBN which is hereby incorporated by Reference, including subsequent amendments of the referenced materials. The list of such agencies is available, at no cost, from the North Carolina Board of Nursing. The evidence of English proficiency shall be the Test of English as a Foreign Language or a test determined to be acceptable by the Board to be equivalent to the Test of English as a Foreign Language; Board; or

(3) being eligible for licensure as a registered nurse or licensed practical nurse in the country of nursing education program completion.

(b) ~~An applicant shall meet the educational qualifications to take the examination for licensure to practice as a licensed practical nurse by:~~

~~(1) graduating from a Board approved nursing program (21 NCAC 36 .0300) designed to prepare a person for practical nurse licensure;~~

~~(2) graduating from a nursing program outside the United States that is designed to provide graduates with comparable preparation for licensure as a licensed practical nurse, and submitting evidence from an evaluation agency of the required educational qualifications and evidence of English proficiency. The evaluation agency(s) for educational qualifications shall be selected from a list of evaluation agencies published by the National Council of State Boards of Nursing, Inc., which is hereby incorporated by Reference, including subsequent amendments of the referenced materials. The list of such agencies is available, at no cost, from the North Carolina Board of Nursing. The evidence of English proficiency shall be passing the Test of English as a Foreign Language or a test determined by the Board to be equivalent to the Test of English as a Foreign Language;~~

~~(3) graduating from a Board approved nursing program designed to prepare graduates for registered nurse licensure, and failing to pass the examination for registered nurse licensure; or~~

~~(4) graduating from a nursing program outside the United States that is designed to prepare graduates with comparable preparation for licensure as a registered nurse, and submitting the evidence as described in Subparagraph (a)(2) of this Rule of the required educational qualifications, and failing to pass the examination for registered nurse licensure in any jurisdiction.~~

(c) ~~An application shall be submitted to the Board of Nursing and a registration form to the testing service. The applicant shall meet all requirements of the National Council of State Boards of Nursing, Inc. NCSBN. Applicants for a North Carolina license may take the examination for licensure developed by NCSBN at any NCSBN-approved testing site.~~

~~(d) The initial An application for licensure shall be held active until the applicant passes the examination or valid for a period of one year, whichever occurs first. The time begins on the date the applicant is determined to be eligible for the licensure examination, year from the date the application is filed with the Board or until the Board receives the results of the examination.~~

(e) ~~The examinations for licensure developed by the National Council of State Boards of Nursing, Inc. NCSBN shall be the examinations for licensure as a registered nurse or as a licensed practical nurse in North Carolina.~~

~~(4) These examinations shall be administered in accordance with the contract between the Board of Nursing and the National Council of State Boards of Nursing, Inc. NCSBN.~~

~~(2) The examinations for licensure shall be administered at least twice a year.~~

~~(3) Results for the examination shall be reported to the individual applicant and to the director of the program from which the applicant was graduated. Aggregate results from the examination(s) may be published by the Board.~~

~~(4) The passing standard score for each of the five tests comprising the examination for registered nurse licensure, up to and including the February 1982 examination was 350. For the examination offered in July 1982 and through July 1988, the passing score was 1600. Beginning February 1989, the results for registered nurse licensure is reported as "PASS" or "FAIL".~~

~~(5) The passing score for the examination for practical nurse licensure, up to and including the April 1988 was 350. Beginning October 1988, the results for practical nurse licensure is reported as "PASS" or "FAIL".~~

~~(f) Applicants who meet the qualifications for licensure by examination shall be issued a certificate of registration and a license to practice nursing for the remainder of the biennial period. The qualifications include:~~

~~(1) a "PASS" result on the licensure examination;~~

~~(2) evidence of unencumbered license in all jurisdictions in which a license is or has ever been held;~~

~~(3) evidence of completion of all court conditions resulting from any misdemeanor or felony convictions; and~~

~~(4) a written explanation and all related documents if the nurse has ever been listed as a Nurse Aide and if there have ever been any substantiated findings pursuant to G.S. 131E 255. The Board may take these findings into consideration when determining if a license should be denied pursuant to G.S. 90 171.37. In the event findings are pending, the Board may withhold taking any action until the investigation is completed.~~

~~(g) Applicants for a North Carolina license may take the examination for licensure developed by the National Council of State Boards of Nursing, Inc. in any National Council approved testing site.~~

~~(f) Any license issued shall be issued for the remainder of the biennial period.~~

Authority G.S. 90-171.23(15); 90-171.29; 90-171.30; 90-171.37(1); 90-171.48.

21 NCAC 36 .0213 REEXAMINATION

An applicant who fails an examination and is eligible to retake a subsequent examination must submit a completed Board of

Nursing application, a completed testing service registration form, and related fees. The applicant is eligible to retake the examination in accordance with the timeframe specified by the National Council of State Boards of Nursing, Inc. NCSBN.

Authority G.S. 90-171.31; 90-171.33; 90-171.38.

**21 NCAC 36 .0217 INVESTIGATIONS;
DISCIPLINARY HEARINGS**

(a) Behaviors and activities that may result in disciplinary action by the Board include the following:

- (1) drug or alcohol abuse or use of any substance or other agents while on duty or on call to the extent that such use impairs the nurse's ability to practice nursing;
- (2) testing positive on a drug screen for a non-prescribed drug or illicit substance;
- (3) illegally obtaining, possessing, or distributing drugs or alcohol for personal or other use, or other violations of the North Carolina Controlled Substances Act, G.S. 90-86 et seq.;
- (4) conviction of any crime that bears on a licensee's fitness to practice ~~nursing as set forth in G.S. 90-171.37(a);~~ nursing;
- (5) failure to make available to another health care professional any client information;
- (6) practicing or offering to practice beyond the scope permitted by law;
- (7) accepting and performing professional responsibilities that the licensee knows or has reason to know that he or she is not competent to perform;
- (8) performing, without supervision, professional services that the licensee is authorized to perform only under the supervision of a licensed professional;
- (9) abandoning an assigned client without making arrangements for the continuation of equivalent nursing care;
- (10) neglecting a client in need of nursing care;
- (11) threatening, harassing, abusing, or intimidating a client;
- (12) failing to maintain an accurate record of all pertinent health care information as defined in Rule .0224(f)(2) or .0225(f)(2) for each client;
- (13) failing to exercise supervision over ~~persons~~ individuals who are authorized to practice only under the supervision of the licensed professional;
- (14) exercising influence on the client for the financial or personal gain of the licensee;
- (15) directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a client, or other violations of G.S. 90-401;
- (16) failing to file a report, or filing a false report, required by law or by the Board or impeding or

- (17) obstructing such filing or inducing another person to do so;
 - (17) obtaining, accessing, or revealing healthcare information from a client record or other source, except as required by professional duties or authorized by law;
 - (18) presenting false or fraudulent licensure information for any purpose;
 - (19) assigning or delegating professional responsibilities to a person when the licensee assigning or delegating these responsibilities knows or has reason to know that such ~~person~~ individual is not qualified by training, experience or licensure;
 - (20) assigning or delegating responsibilities to a ~~person~~ an individual when the licensee assigning or delegating knows or has reason to know that the competency of that ~~person~~ individual is impaired by sleep deprivation, physical or psychological conditions, or by alcohol or other agents, prescribed or not;
 - (21) accepting responsibility for client care while impaired by sleep deprivation, physical or psychological conditions, or by alcohol or other agents, prescribed or not;
 - (22) falsifying a client's record or the controlled substance records;
 - (23) violating boundaries of a professional relationship including but not limited to physical, sexual, emotional, or financial exploitation of the client or the client's family member or caregiver. Financial exploitation includes accepting or soliciting money, gifts, or the equivalent during the professional relationship;
 - (24) misappropriating, in connection with the practice of nursing, anything of value or benefit, including but not limited to, any property, real or personal of the client, employer, or any other ~~person~~ individual or entity, or failing to take precautions to prevent such misappropriation. Failure to take precautions to prevent misappropriations includes failing to secure anything of value or benefit, such as medication or property, of the client, employer, or any other ~~person~~ individual or entity; or
 - (25) violating any term of probation, condition, or limitation imposed on the licensee by the Board.
- (b) If a summary suspension is issued pursuant to G.S. 150B-3(c), the order is effective on the date specified in the order or on service of the certified copy of the order at the last known address of the licensee, whichever is later, and continues to be effective during the proceedings. Failure to receive the order because of refusal of service or unknown address does not invalidate the order.
- (c) All motions related to a contested case, except motions for continuance and those made during the hearing, shall be in writing

and submitted to the Board of Nursing at least 10 calendar days before the hearing. Pre-hearing motions shall be heard at a pre-hearing conference or at the contested case hearing prior to the commencement of testimony. The designated administrative law counsel shall hear the motions and the response from the non-moving party pursuant to Rule 6 of the General Rules of Practice for the Superior and District Courts and rule on the motions.

(d) Motions for a continuance of a hearing may be granted upon a showing of good cause. Motions for a continuance shall be in writing and received in the office of the Board of Nursing no less than seven calendar days before the hearing date. In determining whether good cause exists, consideration shall be given to the ability of the party requesting a continuance to proceed without a continuance. A motion for a continuance filed less than seven calendar days from the date of the hearing shall be denied unless the reason for the motion could not have been ascertained earlier. Motions for continuance filed prior to the date of the hearing shall be ruled on by the administrative law counsel of the Board. Motions for continuance filed on the date of hearing shall be ruled on by the Board.

(e) The Board of Nursing shall designate an administrative law counsel who shall advise the Board.

(f) When a majority of the members of the Board of Nursing is unable or elects not to hear a contested case, the Board of Nursing shall request the designation of an administrative law judge from the Office of Administrative Hearings to preside at the hearing. The provisions of G.S. 150B, Article 3A and this Rule shall govern a contested case in which an administrative law judge is designated as the Hearing Officer.

(g) Sworn affidavits may be introduced by mutual agreement from all parties.

Authority G.S. 90-171.23(b)(3); 90-171.23(b)(7); 90-171.37; 90-171.47; 90-401; 150B-3(c); 150B-38; 150B-39; 150B-40; 150B-41; 150B-42.

21 NCAC 36 .0218 LICENSURE WITHOUT EXAMINATION (BY ENDORSEMENT) BY ENDORSEMENT

(a) ~~The Board shall provide an application form which the applicant who wishes to apply for licensure without examination (by endorsement) shall complete in its entirety. To be eligible for licensure by endorsement, an applicant shall:~~

(b) ~~The applicant for licensure by endorsement as a registered nurse shall show evidence of:~~

- (1) ~~completion of a program of nursing education for registered nurse licensure which was approved by the jurisdiction of original licensure; submit a completed application for endorsement, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application. The Application for Endorsement is posted on the Board's website at www.ncbon.com;~~
- (2) ~~attainment of the standard score on the examination which was required by the~~

~~jurisdiction issuing the original certificate of registration; submit the licensure application fee as established in G.S. 90-171.27(b);~~

(3) ~~submit a self-certification that the applicant is of mental and physical health necessary to competently practice nursing;~~

(4)(3) ~~have an unencumbered license in all jurisdictions in which a license is or has ever been held. A license that has had all encumbrances resolved in the jurisdictions in which the reasons for the encumbrances occurred shall be considered an unencumbered license for purposes of this provision; held;~~

(5)(4) ~~current have an active unencumbered license in a jurisdiction; if the license has been inactive or lapsed expired for five or more years, the applicant shall be subject to requirements for a refresher course as indicated in G.S. 90-171.35 and G.S. 90-171.36;~~

(6)(5) ~~completion of all have no pending court conditions resulting from as a result of any misdemeanor or felony convictions; and conviction(s). The applicant shall provide a written explanation and any investigative report or court documents evidencing the circumstances of the crime(s) if requested by the Board. The Board may use these documents when determining if a license should be denied pursuant to G.S. 90-171.48 and G.S. 90-171.37;~~

(7)(6) ~~submit a written explanation and all related documents if the nurse has ever been listed as a Nurse Aide nurse aide and if there has have ever been a any substantiated finding(s) pursuant to G.S. 131E-255. The Board may take the these finding(s) into consideration when determining if a license should be denied pursuant to G.S. 90-171.37. In the event a finding(s) is are pending, the Board may withhold taking any action until the investigation is completed. completed;~~

(7) ~~submit a self-certification that the applicant is of mental and physical health necessary to competently practice nursing;~~

(8) ~~show completion of a nursing education program which was approved by the jurisdiction of original licensure. If applying~~

(e) ~~The applicant for licensure by endorsement as a licensed practical nurse nurse, applicant shall may also show evidence of:~~

- (1) ~~completion of: of~~
 - (A) ~~a program in practical nursing approved by the jurisdiction of original licensure; or~~
 - (B) ~~course(s) of study within a program(s) which shall be comparable to that required of practical nurse graduates in North Carolina; or~~
 - (C) ~~course of study for military hospital corpsman which shall be comparable to that required of licensed practical~~

~~nurse graduates in North Carolina-
Carolina; or~~

~~The applicant who was graduated prior to July 1956 shall be considered on an individual basis in light of licensure requirements in North Carolina at the time of original licensure;~~

- ~~(2) attainment of the standard score on the examination which was required by the jurisdiction issuing the original certificate of registration;~~
- ~~(3) self certification that the applicant is of mental and physical health necessary to competently practice nursing;~~
- ~~(4) unencumbered license in all jurisdictions in which a license is or has ever been held. A license that has had all encumbrances resolved in the jurisdictions in which the reasons for the encumbrances occurred shall be considered an unencumbered license for purposes of this provision;~~
- ~~(5) current license in a jurisdiction; if the license has been inactive or lapsed for five or more years, the applicant shall be subject to requirements for a refresher course as indicated in G.S. 90-171.35 and G.S. 90-171.36;~~
- ~~(6) completion of all court conditions resulting from any misdemeanor or felony convictions; and~~
- ~~(7) a written explanation and all related documents if the nurse has been listed as a Nurse Aide and there has been a substantiated finding(s) pursuant to G.S. 131E-255. The Board may take the finding(s) into consideration when determining if a license should be denied pursuant to G.S. 90-171.37. In the event a finding(s) is pending, the Board may withhold taking any action until the investigation is completed.)~~
- ~~(B) applicant has been licensed in another member jurisdiction for five or more years immediately prior to application submission and has practiced in a nursing position at the same level of licensure for which application is being made for two calendar years of full time employment immediately prior to application as verified by the employer.~~
- ~~(9) complete a criminal background check in accordance with G.S. 90-171.48.~~

~~In the event any of the above-required information indicates a concern about the applicant's qualifications, an applicant may be required to appear in person for an interview with the Board if the Board determines in its discretion that more information is needed to evaluate the application.~~

~~(d)(b) A nurse Applicants for licensure by endorsement educated in a foreign country (including Canada) shall complete all requirements of Paragraph (a) of this Rule and shall be eligible for North Carolina licensure by endorsement if the nurse has:~~

- (1) shown proof of education as required by the jurisdiction issuing the original certificate; and prior to January 1, 2004 proof of passing either the:
- (2)
 - (A) ~~Canadian Nurses Association Test Service Examination (CNATS) in the English language; or~~
 - (B) ~~Canadian Registered Nurse Examination (CRNE) in the English language; or~~
 - (C) shown evidence of passing the licensing examination developed by the National Council of State Board of Nursing (NCLEX). NCLEX-RN™ or NCLEX-PN™ consistent with educational preparation.
- ~~(3) beginning January 1, 2004, the applicant educated in a foreign country including Canada shall show evidence of Subparagraph (d)(1) and Part (2)(C) of this Paragraph; Parts (d)(2)(A) and (B) shall no longer apply;~~
- ~~(4) self certification that the applicant is of mental and physical health necessary to competently practice nursing;~~
- ~~(5) unencumbered license in all jurisdictions which a license is or has ever been held. A license that has had all encumbrances resolved in the jurisdictions in which the reasons for the encumbrances occurred shall be considered an unencumbered license for purposes of this provision;~~
- ~~(6) eurrent license in another jurisdiction or foreign country. If the license has been inactive or lapsed for five or more years, the applicant shall be subject to requirements for a refresher course as indicated in G.S. 90-171.35 and G.S. 90-171.36;~~
- ~~(7) completed all court conditions resulting from any misdemeanor or felony conviction(s); and~~
- ~~(8) a written explanation and all related documents if the nurse has been listed as a Nurse Aide and if there has been a substantiated finding(s) pursuant to G.S. 131E-255. The Board may take the finding(s) into consideration when determining if a license should be denied pursuant to G.S. 90-171.37. In the event a finding(s) is pending, the Board may withhold taking any action until the investigation is completed.~~
- ~~(e) When an applicant is eligible for licensure consistent with Part (d)(2)(A) or (d)(2)(B) of this Rule the license issued by the Board will not permit the individual to practice in other states party to the Nurse Licensure Compact.~~
- ~~(c) An application for endorsement shall be valid for a period of one year from the date the application is filed with the Board or until a license is issued.~~
- ~~(f)(d) Facts provided by the applicant and the Board of Nursing of original licensure shall be compared to confirm the identity and validity of the applicant's credentials. Status in other states of~~

current licensure may be verified. ~~When eligibility is determined, a certificate of registration and a current license for the remainder of the biennial period shall be issued.~~

(e) Any license issued shall be issued for the remainder of the biennial period.

Authority G.S. 90-171.23(b); 90-171.32; 90-171.33; 90-171.37; 90-171.48.

21 NCAC 36 .0219 TEMPORARY LICENSE

(a) The Board may issue a ~~Status P nonrenewable~~ non-renewable temporary license to ~~persons~~ individuals who have filed a completed application for licensure ~~without examination by endorsement~~ with correct fee and provided validation of an active unencumbered license in another jurisdiction. If an applicant indicates prior court conviction(s) or disciplinary action(s) in another jurisdiction, eligibility for a temporary license shall be determined after review of relevant documents.

(b) The temporary license is subject to the provisions of G.S. 90-171.37.

~~(b)(c)~~ (c) The following applies to ~~Status P non-renewable~~ non-renewable temporary licenses:

- (1) The ~~Status P nonrenewable~~ non-renewable temporary license shall expire on the lesser of six months or the date a full license is issued or when it is determined the applicant is not qualified to practice nursing in North Carolina.
- (2) ~~Status P temporary license~~ Temporary licenses shall authorize the holder to practice nursing in the same manner as a fully licensed ~~R.N. registered nurse~~ or ~~L.P.N. licensed practical nurse~~, whichever the case may be.
- (3) Holders of valid ~~Status P~~ temporary license shall identify themselves as ~~R.N. Registered Nurse~~ Petitioner (R.N.P.) or ~~L.P.N. Licensed Practical Nurse~~ petitioner Petitioner (L.P.N.P.), as the case may be, after signatures on records.
- (4) Upon expiration or revocation of the ~~Status P~~ temporary license, the individual is ineligible to practice nursing as described in Subparagraph ~~(b)(2)~~ (c)(2) of this Rule.

Authority G.S. 90-171.33.

21 NCAC 36 .0220 REFRESHER COURSE

(a) A refresher course shall be designed for those ~~persons, individuals,~~ previously licensed, who are not eligible for re-entry into nursing practice because their license has ~~lapsed~~ expired for five or more years.

(b) Satisfactory completion of a Board-approved refresher course is required of the ~~person individual who~~ who has not held an active license in any jurisdiction for five or more years and requests:

- (1) ~~requests reactivation of an inactive license and who has not held an active license for five or more years; license;~~

- (2) ~~requests reinstatement of a lapsed license and who has not held an active license for five or more years; an expired license; or~~
- (3) ~~requests endorsement to North Carolina who has not held an active license for five or more years; Carolina.~~
- (4) ~~is directed by the Board to complete such a course when the Board takes action as authorized in G.S. 90-171.37; or~~
- (5) ~~needs a refresher course as a result of the license being inactive for disciplinary action and has met all eligibility requirements for reinstatement of the license.~~

~~Those persons identified in Subparagraph (4) or (5) of this Paragraph may be subject to Board stipulated restrictions in the clinical component of the refresher course.~~

(c) When satisfactory completion of a Board-approved refresher course is required by the Board based upon action as authorized in G.S. 90-171.37 or based upon a license being inactive due to disciplinary action, the individual may be subject to Board-stipulated restrictions in the clinical component of the refresher course provided all eligibility requirements for reinstatement of the license have been met.

~~(e)(d)~~ (d) Application for approval of a refresher course shall be completed and submitted by the provider at least 90 days prior to the expected date of enrollment and shall include evidence of complying with the rules for refresher courses. Board approval shall be secured prior to the enrollment of students. Provider approval will be granted for a period of time not to exceed five years. However, any changes in faculty, curriculum, or clinical facilities shall be approved by the Board prior to implementation as set out in the Rules of this Chapter.

(e) The application for approval of a refresher course shall include:

- (1) course objectives, content outline and time allocation;
- (2) didactic and clinical learning experiences including teaching methodologies, for measuring the registrant's abilities to practice nursing;
- (3) plan for evaluation of student competencies and ability to competently practice nursing;
- (4) a faculty list which includes the director and all instructors and identifies their qualifications and their functions in teaching roles; and
- (5) the projected clinical schedule.

~~(d)(f)~~ (f) The Board will make site visits if necessary. A decision on an application to offer a refresher course will be given within 30 days following receipt of ~~the~~ a complete application.

~~(e)(g)~~ (g) The provider of a refresher course shall be approved by the Board as set out in these Rules. A provider may be a post-secondary educational institution, a health care institution, or other agency.

~~(f)(h)~~ (h) Administrative responsibility for developing and implementing the course shall be vested in a registered nurse director.

~~(g)(i)~~ (i) Instructors in the course shall be directly accountable to the nurse director. The director shall have had at least one year prior teaching experience preparing individuals for ~~LPN or RN~~

registered nurse or licensed practical nurse licensure at the post-secondary level or in a nursing staff development position. The director and each instructor shall:

- (1) ~~be licensed to~~ hold an active unencumbered license to practice nursing as a registered nurse in North Carolina;
- (2) hold a baccalaureate or higher ~~degree;~~ degree in nursing; and
- (3) have had at least two years experience in direct patient nursing practice as ~~an RN;~~ a registered nurse.

~~(h)(j)~~ Proximity of the instructor to students is the major factor in determining faculty-student ratio for clinical learning experiences. In no case shall this ratio exceed 1:10.

~~(k)~~ Clinical preceptors shall have competencies, assessed by the refresher program registered nurse director or designated instructor, related to the area of assigned clinical precepting responsibilities. Clinical preceptors shall hold an active unencumbered license to practice as a registered nurse in North Carolina.

~~(i)(l)~~ The course shall include both theory and clinical instruction. Course objectives shall be stated which:

- (1) show relationships between nursing theory and practice; and
- (2) ~~indicate~~ identify behaviors consistent with the ability to ~~safely~~ competently practice nursing.

~~(j)(m)~~ The curriculum for the R.N. Refresher Course a registered nurse refresher course shall include at least 240 hours of instruction, at least 120 of which shall consist of clinical learning experiences, and shall incorporate:

- ~~(1)~~ common medical surgical conditions and management of common nursing problems associated with these conditions, including mental health principles associated with management of nursing problems;
- ~~(2)(1)~~ functions scope of practice for the registered nurse as defined in G.S. 90-171.20 and 21 NCAC 36 .0221, .0224, .0225 and .0401; and
- ~~(3)(2)~~ instruction in and opportunities to demonstrate ability to safely knowledge, skills, and abilities to competently practice nursing and knowledge in caring for clients with common medical-surgical problems; according to components of practice for the registered nurse as defined in 21 NCAC 36 .0224.

~~(k)(n)~~ The curriculum for the L.P.N. a licensed practical nurse Refresher Course shall include at least 180 hours of instruction, at least 90 of which shall consist of clinical learning experiences, and shall incorporate:

- ~~(1)~~ common medical surgical conditions and common nursing approaches to their management, including mental health principles;
- ~~(2)(1)~~ functions scope of practice for the licensed practical nurse as defined in G.S. 90-171.20(8) and 21 NCAC 36 .0221, .0225 and .0401; and
- ~~(3)(2)~~ instruction in and opportunity opportunities to demonstrate ability knowledge, skills, and abilities to safely competently practice nursing

~~and knowledge in caring for clients with common medical-surgical problems; according to components of nursing practice for the licensed practical nurse as defined in 21 NCAC 36 .0225.~~

~~(o)~~ The refresher course director or the designated refresher course instructor shall assess each refresher student and ensure the appropriateness of all clinical learning settings and assignments.

~~(1)~~ The course shall include both theory and clinical instruction:

- ~~(1)~~ The R.N. Refresher Course shall include at least 240 hours of instruction, at least 120 of which shall consist of clinical learning experiences.
- ~~(2)~~ The L.P.N. Refresher Course shall include at least 180 hours of instruction, at least 90 of which shall consist of clinical learning experiences.

~~(p)~~ Registered nurse and licensed practical nurse refresher courses shall limit simulation experiences to no more than 50 percent of clinical learning experiences pursuant to 21 NCAC 36 .0321(m).

~~(m)(q)~~ Evaluation processes shall be implemented which effectively measure the refresher student's: student's ability to competently practice nursing consistent with the level of licensure and scope as set forth in 21 NCAC 36 .0221, .0224, .0225, and .0401.

- ~~(1)~~ knowledge and understanding of curriculum content; and
- ~~(2)~~ ability to provide safe nursing care to clients with common medical-surgical conditions.

~~(n)(r)~~ Clinical resources shall indicate in written contract their support and availability to provide the necessary clinical experiences.

~~(o)~~ The application for approval of a refresher course shall include:

- ~~(1)~~ course objectives, content outline and time allocation;
- ~~(2)~~ didactic and clinical learning experiences including teaching methodologies, for measuring the registrant's abilities to practice nursing;
- ~~(3)~~ plan for evaluation of student competencies and ability to practice safe nursing;
- ~~(4)~~ a faculty list which includes the director and all instructors and identifies their qualifications and their functions in teaching roles; and
- ~~(5)~~ the projected clinical schedule.

~~(p)~~ A course or combination of courses within a basic nursing curriculum may be considered a refresher course for re-entry into practice if:

- ~~(1)~~ such course or combination of courses equals or exceeds requirements for refresher courses;
- ~~(2)~~ such course or combination of courses is taught on a level commensurate with level of relicensure sought; and
- ~~(3)~~ the Board designee approves such course or combination of courses as a substitute for a refresher course.

~~(q)(s)~~ Individuals, previously licensed in North Carolina, presently residing outside of North Carolina, may meet these

requirements by successfully completing a ~~North Carolina approved~~ refresher course approved by another State Board of Nursing, completed in another state or country. Agencies desiring approval for conducting refresher courses shall submit applications per Paragraphs (e) through (p) of this Rule. Clinical experiences shall be in agencies approved by the comparable state/country agency to the Board of Nursing. The agency applying for refresher course approval shall submit evidence of the agency approval.

~~(+)(l)~~ Individuals enrolled in refresher courses shall identify themselves as ~~R.N. RN Refresher Student (R.N.R.S.)~~ or LPN Refresher Student ~~(LPN.RS)(L.P.N.R.S.)~~ consistent with the course level, after signatures on records or on name pins.

~~(s)(u)~~ Upon completion of a Board approved refresher course, In a format specified by the Board, the course provider shall furnish provide the Board with the names and North Carolina certificate license numbers of those persons individuals who have satisfactorily completed the course and are deemed safe to practice nursing at the appropriate level of licensure on the Board supplied form. licensure.

~~(+)(v)~~ Upon request, the Board shall provide:

- (1) a list of approved providers;
- (2) ~~forms~~ format for applications for program approval; and
- (3) ~~forms~~ format for verification of successful completion to all approved programs.

Authority G.S. 90-171.23(b)(3); 90-171.35; 90-171.36; 90-171.37; 90-171.38; 90-171.83.

21 NCAC 36 .0221 LICENSE REQUIRED

(a) No cap, pin, uniform, insignia or title shall be used to represent to the public, that an unlicensed person is a registered nurse or a licensed practical nurse as defined in G.S. 90-171.43.

(b) The repetitive performance of a common task or procedure which does not require the professional judgment of a registered nurse or licensed practical nurse shall not be considered the practice of nursing for which a license is required. Tasks that may be delegated to the ~~Nurse Aide~~ nurse aide I and ~~Nurse Aide~~ nurse aide II shall be established by the Board of Nursing pursuant to 21 NCAC 36 .0403. Tasks may be delegated to an unlicensed person which:

- (1) frequently recur in the daily care of a client or group of clients;
- (2) are performed according to an established sequence of steps;
- (3) involve little or no modification from one client-care situation to another;
- (4) may be performed with a predictable outcome; and
- (5) do not inherently involve ongoing assessment, interpretation, or decision-making which cannot be logically separated from the procedure(s) itself.

Client-care services which do not meet all of these criteria shall be performed by a licensed nurse

(c) The registered nurse or licensed practical nurse shall not delegate the professional judgment required to implement any treatment or pharmaceutical regimen which is likely to produce

side effects, toxic effects, allergic reactions, or other unusual effects; or which may rapidly endanger a client's life or well-being and which is prescribed by a ~~person~~ an individual authorized by state law to prescribe such a regimen. The nurse who assumes responsibility directly or through delegation for implementing a treatment or pharmaceutical regimen shall be accountable for:

- (1) recognizing side effects;
- (2) recognizing toxic effects;
- (3) recognizing allergic reactions;
- (4) recognizing immediate desired effects;
- (5) recognizing unusual and unexpected effects;
- (6) recognizing changes in client's condition that contraindicates continued administration of the pharmaceutical or treatment regimen;
- (7) anticipating those effects which may rapidly endanger a client's life or well-being; and
- (8) making judgments and decisions concerning actions to take in the event such effects occur.

(d) When health care needs of an individual are incidental to the personal care needs of the individual, nurses shall not be accountable for care performed by clients themselves, their families or significant others, or by caretakers who provide personal care to the individual.

(e) Pharmacists may administer drugs in accordance with 21 NCAC 46 .2507.

Authority G.S. 90-85.3; 90-171.23(b); 90-171.43; 90-171.83.

21 NCAC 36 .0223 CONTINUING EDUCATION PROGRAMS

(a) Definitions.

- (1) Continuing education in nursing is a planned, organized learning experience taken after completion of a basic nursing program which prepares a nurse to perform advanced skills. Types of learning experiences that may be considered continuing education as defined in Subparagraph (a)(3) of this Rule include:
 - (A) a non-degree oriented program;
 - (B) a course(s) or component(s) of a course(s) within an academic degree-oriented program; or
 - (C) an advanced academic degree-granting program which prepares the registered nurse for advanced practice as a clinical nurse specialist, nurse anesthetist, nurse midwife or nurse practitioner.
- (2) Programs offering an educational experience designed to enhance the practice of nursing are those which include one or more of the following:
 - (A) enrichment of knowledge;
 - (B) development or change of attitudes; or
 - (C) acquisition or improvement of skills.
- (3) Programs are considered to teach nurses advanced skills when:

PROPOSED RULES

- (A) the skill taught is not generally included in the basic educational preparation of the nurse; and
 - (B) the period of instruction is sufficient to assess or provide necessary knowledge from the physical, biological, behavioral and social sciences, and includes supervised clinical practice to ensure that the nurse is able to practice the skill safely and properly.
- (4) Student status may be granted to an individual who does not hold a North Carolina nursing license but who participates in a clinical component of a continuing education ~~programs~~ program in North Carolina when:
- (A) the individual possesses ~~a current~~ an active unencumbered license to practice nursing in a jurisdiction other than North Carolina;
 - (B) the course offering meets one of the following criteria:
 - (i) is part of an academic degree-granting nursing program which has approval in a jurisdiction other than North Carolina or national accreditation; or
 - (ii) is offered through an in-state academic institution which has Board approval for basic nursing education program(s) or national accreditation for advanced nursing education program(s); or
 - (iii) is approved by the Board as a continuing education offering, thereby meeting the criteria as defined in Paragraph (b) of this Rule;
 - (C) the individual receives supervision by a qualified preceptor or member of the faculty who has a valid license to practice as a registered nurse in North Carolina;
 - (D) the course of instruction has a specified period of time not exceeding ~~twelve~~ 12 months;
 - (E) the individual is not employed in nursing practice in North Carolina during participation in the program; and
 - (F) the Board has been given advance notice of the name of each student, the jurisdiction in which the student is licensed, the license number, and the expiration date.
- (b) Criteria for voluntary approval of continuing education programs in nursing.
- (1) Planning the educational program shall include:
 - (A) definition of learner population; for example, registered nurse, licensed practical nurse, or both;
 - (B) identification of characteristics of the learner; for example, clinical area of practice, place of employment, and position; and
 - (C) assessment of needs of the learner; for example, specific requests from individuals or employers, pre-tests, or audits of patient records.
 - (2) Objectives shall:
 - (A) be measurable and stated in behavioral terms;
 - (B) reflect the needs of the learners;
 - (C) state desired outcomes;
 - (D) serve as criteria for the selection of content, learning experiences and evaluation of achievement;
 - (E) be achievable within the time allotted; and
 - (F) be applicable to nursing.
 - (3) Content shall:
 - (A) relate to objectives;
 - (B) reflect input by qualified faculty; and
 - (C) contain learning experiences appropriate to objectives.
 - (4) Teaching methodologies shall:
 - (A) utilize pertinent educational principles;
 - (B) provide adequate time for each learning activity; and
 - (C) include sharing objectives with participants.
 - (5) Resources shall include:
 - (A) faculty who have knowledge and experience necessary to assist the learner to meet the program objectives and are in sufficient number not to exceed a faculty-learner ratio in a clinical practicum of 1:10. If higher ratios are desired, sufficient justification must be provided; and
 - (B) physical facilities which ensure that adequate and appropriate equipment and space are available and appropriate clinical resources are available.
 - (6) Evaluation must be conducted:
 - (A) by the provider to assess the participant's achievement of program objectives and content and will be documented; and
 - (B) by the learner in order to assess the program and resources.

- (7) Records shall be maintained by the provider for a period of three years and shall include a summary of program evaluations, roster of participants, and course outline. The provider shall award a certificate to each participant who successfully completes the program.

- (2) the complexity and frequency of nursing care needed by a given client population;
- (3) the proximity of clients to personnel;
- (4) the qualifications and number of staff;
- (5) the accessible resources; and
- (6) established policies, procedures, practices, and channels of communication which lend support to the types of nursing services offered.

(c) Approval process.

- (1) The provider shall:
 - (A) make application on forms provided by the Board no less than 60 days prior to the proposed enrollment date;
 - (B) present written documentation as specified in (b)(1) through (b)(7) of this Rule; and
 - (C) notify the Board of any significant changes relative to (b)(1) through (b)(7) of this Rule; for example, changes in faculty or total program hours.
- (2) Approval is granted for a ~~two-year~~ two-year period. Any request to offer an approved program by anyone other than the original provider must be made to the ~~North Carolina Board of Nursing~~ Board.
- (3) If a course is not approved, the provider may appeal in writing for reconsideration within 30 days after notification of the disapproval. If the course is not approved upon reconsideration, the provider may request, within 10 days, a hearing at the next regularly scheduled meeting of the Board, or no later than 90 days from the date of request, whichever shall come first.
- (4) Site visits may be made by the Board as deemed appropriate to determine compliance with the criteria as specified in Paragraph (b) of this Rule.
- (5) The Board shall withdraw approval from a provider if the provider does not maintain the quality of the offering to the satisfaction of the Board or if there is misrepresentation of facts within the application for approval.
- (6) Approval of continuing education programs will be included in published reports of Board actions. A list of approved programs ~~will be maintained in~~ is posted on the Board's file website at www.ncbon.com.

(b) Assessment is an on-going process and consists of the determination of nursing care needs based upon collection and interpretation of data relevant to the health status of a client, group or community.

- (1) Collection of data includes:
 - (A) obtaining data from relevant sources regarding the biophysical, psychological, social and cultural factors of the client's life and the influence these factors have on health status, including:
 - (i) subjective reporting;
 - (ii) observations of appearance and behavior;
 - (iii) measurements of physical structure and physiological functions;
 - (iv) information regarding available resources; and
 - (B) verifying data collected.
- (2) Interpretation of data includes:
 - (A) analyzing the nature and inter-relationships of collected data; and
 - (B) determining the significance of data to client's health status, ability to care for self, and treatment regimen.
- (3) Formulation of a nursing diagnosis includes:
 - (A) describing actual or potential responses to health conditions. Such responses are those for which nursing care is indicated, or for which referral to medical or community resources is appropriate; and
 - (B) developing a statement of a client problem identified through interpretation of collected data.

(c) Planning nursing care activities includes identifying the client's needs and selecting or modifying nursing interventions related to the findings of the nursing assessment. Components of planning include:

- (1) prioritizing nursing diagnoses and needs;
- (2) setting realistic, measurable goals and outcome criteria;
- (3) initiating or participating in multidisciplinary planning;
- (4) developing a plan of care which includes determining and prioritizing nursing interventions; and
- (5) identifying resources based on necessity and availability.

Authority G.S. 90-171.23(b); 90-171.42.

21 NCAC 36 .0224 COMPONENTS OF NURSING PRACTICE FOR THE REGISTERED NURSE

(a) The responsibilities which any registered nurse can safely accept are determined by the variables in each nursing practice setting. These variables include:

- (1) the nurse's own qualifications including:
 - (A) basic educational preparation; and
 - (B) knowledge and skills subsequently acquired through continuing education and practice;

(d) Implementation of nursing activities is the initiating and delivering of nursing care according to an established plan, which includes, but is not limited to:

- (1) procuring resources;
- (2) implementing nursing interventions and medical orders consistent with 21 NCAC 36 .0221(c) and within an environment conducive to client safety;
- (3) prioritizing and performing nursing interventions;
- (4) analyzing responses to nursing interventions;
- (5) modifying nursing interventions; and
- (6) assigning, ~~delegating~~ delegating, and supervising nursing activities of other licensed and unlicensed personnel consistent with Paragraphs (a) and (i) of this Rule, ~~G.S. 90-171.20(7)~~ G.S. 90-171.20(7)(d) and ~~(7)i~~, (7)(i), and 21 NCAC 36 .0401.

(e) Evaluation consists of determining the extent to which desired outcomes of nursing care are met and planning for subsequent care. Components of evaluation include:

- (1) collecting evaluative data from relevant sources;
- (2) analyzing the effectiveness of nursing interventions; and
- (3) modifying the plan of care based upon newly collected data, new problem identification, change in the client's status and expected outcomes.

(f) Reporting and Recording by the registered nurse are those communications required in relation to all aspects of nursing care.

- (1) Reporting means the communication of information to other ~~persons~~ individuals responsible for, or involved in, the care of the client. The registered nurse is accountable for:
 - (A) directing the communication to the appropriate ~~person(s)~~ individual(s) and consistent with established policies, procedures, ~~practices~~ practices, and channels of communication which lend support to types of nursing services offered;
 - (B) communicating within a time period which is consistent with the client's need for care;
 - (C) evaluating the responses to information reported; and
 - (D) determining whether further communication is indicated.
- (2) Recording means the documentation of information on the appropriate client record, nursing care plan or other documents. This documentation must:
 - (A) be pertinent to the client's health care;
 - (B) accurately describe all aspects of nursing care including assessment, planning, ~~implementation~~ implementation, and evaluation;

(C) be completed within a time period consistent with the client's need for care;

(D) reflect the communication of information to other ~~persons~~; individuals; and

(E) verify the proper administration and disposal of controlled substances.

(g) Collaborating involves communicating and working cooperatively with individuals whose services may have a direct or indirect effect upon the client's health care and includes:

- (1) initiating, coordinating, ~~planning~~ planning, and implementing nursing or multidisciplinary approaches for the client's care;
- (2) participating in decision-making and in cooperative goal-directed efforts;
- (3) seeking and utilizing appropriate resources in the referral process; and
- (4) safeguarding confidentiality.

(h) Teaching and ~~Counseling~~ counseling clients is the responsibility of the registered nurse, consistent with ~~G.S. 90-171.20(7)~~ G.S. 90-171.20(7)(g).

(1) Teaching and counseling consist of providing accurate and consistent information, demonstrations and guidance to clients, their families or significant others regarding the client's health ~~status~~ status, and health care for the purpose of:

- (A) increasing knowledge;
- (B) assisting the client to reach an optimum level of health functioning and participation in ~~self-care~~; self-care; and
- (C) promoting the client's ability to make informed decisions.

(2) Teaching and counseling include, but are not limited to:

- (A) assessing the client's needs, ~~abilities~~ abilities, and knowledge level;
- (B) adapting teaching content and methods to the identified needs, abilities of the ~~client(s)~~ client(s), and knowledge level;
- (C) evaluating effectiveness of teaching and counseling; and
- (D) making referrals to appropriate resources.

(i) Managing the delivery of nursing care through the on-going supervision, ~~teaching~~ teaching, and evaluation of nursing personnel is the responsibility of the registered nurse as specified in the legal definition of the practice of nursing and includes, but is not limited to:

- (1) continuous availability for direct participation in nursing care, onsite when necessary, as indicated by client's status and by the variables cited in Paragraph (a) of this Rule;
- (2) assessing capabilities of personnel in relation to client status and plan of nursing care;

- (3) delegating responsibility or assigning nursing care functions to personnel qualified to assume such responsibility and to perform such functions;
 - (4) accountability for nursing care given by all personnel to whom that care is assigned and delegated; and
 - (5) direct observation of clients and evaluation of nursing care given.
- (j) Administering nursing services is the responsibility of the registered nurse as specified in the legal definition of the practice of nursing in ~~G.S. 90-171.20(7)i~~, G.S. 90-171.20(7)(i), and includes, but is not limited to:
- (1) identification, ~~development~~ development, and updating of standards, policies and procedures related to the delivery of nursing care;
 - (2) implementation of the identified standards, ~~policies~~ policies, and procedures to promote safe and effective nursing care for clients;
 - (3) planning for and evaluation of the nursing care delivery system; and
 - (4) management of licensed and unlicensed personnel who provide nursing care consistent with Paragraphs (a) and (i) of this Rule and which includes:
 - (A) appropriate allocation of human resources to promote safe and effective nursing care;
 - (B) defined levels of accountability and responsibility within the nursing organization;
 - (C) a mechanism to validate qualifications, ~~knowledge~~ knowledge and skills of nursing personnel;
 - (D) provision of educational opportunities related to expected nursing performance; and
 - (E) validation of the implementation of a system for periodic performance evaluation.
- (k) Accepting responsibility for self for individual nursing actions, ~~competence~~ competence, and behavior is the responsibility of the registered nurse, which includes:
- (1) having knowledge and understanding of the statutes and rules governing nursing;
 - (2) functioning within the legal boundaries of registered nurse practice; and
 - (3) respecting client rights and property, and the rights and property of others.

Authority G.S. 90-171.20(7); 90-171.23(b); 90-171.43(4).

21 NCAC 36 .0225 COMPONENTS OF NURSING PRACTICE FOR THE LICENSED PRACTICAL NURSE

(a) The licensed practical nurse shall accept only those assigned nursing activities and responsibilities, as defined in Paragraphs (b) through (i) of this Rule, which the licensee can safely perform. That acceptance shall be based upon the variables in each practice setting which include:

- (1) the nurse's own qualifications in relation to client need and plan of nursing care, including:
 - (A) basic educational preparation; and
 - (B) knowledge and skills subsequently acquired through continuing education and practice;
 - (2) the degree of supervision by the registered nurse consistent with Paragraph (d)(3) of this Rule;
 - (3) the stability of each client's clinical condition;
 - (4) the complexity and frequency of nursing care needed by each client or client group;
 - (5) the accessible resources; and
 - (6) established policies, procedures, practices, and channels of communication which lend support to the types of nursing services offered.
- (b) Assessment is an on-going process and consists of participation in the determination of nursing care needs based upon collection and interpretation of data relevant to the health status of a client.
- (1) collection of data consists of obtaining data from relevant sources regarding the biophysical, psychological, ~~social~~ social, and cultural factors of the client's life and the influence these factors have on health status, according to structured written guidelines, policies and forms, and includes:
 - (A) subjective reporting;
 - (B) observations of appearance and behavior;
 - (C) measurements of physical structure and physiologic function; and
 - (D) information regarding available resources.
 - (2) interpretation of data is limited to:
 - (A) participation in the analysis of collected data by recognizing existing relationships between data gathered and a client's health status and treatment regimen; and
 - (B) determining a client's need for immediate nursing interventions based upon data gathered regarding the client's health status, ability to care for self, and treatment regimen consistent with Paragraph (a)(6) of this Rule.
- (c) Planning nursing care activities includes participation in the identification of client's needs related to the findings of the nursing assessment. Components of planning include:
- (1) participation in making decisions regarding implementation of nursing intervention and medical orders and plan of care through the utilization of assessment data;
 - (2) participation in multidisciplinary planning by providing resource data; and
 - (3) identification of nursing interventions and goals for review by the registered nurse.
- (d) Implementation of nursing activities consists of delivering nursing care according to an established health care plan and as

assigned by the registered nurse or other ~~person(s)~~ individual(s) authorized by law as specified in G.S. 90-171.20 (8)(c).

- (1) Nursing activities and responsibilities which may be assigned to the licensed practical nurse include:
 - (A) procuring resources;
 - (B) implementing nursing interventions and medical orders consistent with Paragraph (b) of this Rule and Paragraph (c) of 21 NCAC 36 .0221 and within an environment conducive to client safety;
 - (C) prioritizing and performing nursing interventions;
 - (D) recognizing responses to nursing interventions;
 - (E) modifying immediate nursing interventions based on changes in a client's status; and
 - (F) delegating specific nursing tasks as outlined in the plan of care and consistent with Paragraph (d)(2) of this Rule, and 21 NCAC 36 .0401.
- (2) The licensed practical nurse may participate, consistent with 21 NCAC 36 .0224(d)(6), in implementing the health care plan by assigning nursing care activities to other licensed practical nurses and delegating nursing care activities to unlicensed personnel qualified and competent to perform such activities and providing all of the following criteria are met:
 - (A) validation of qualifications of personnel to whom nursing activities may be assigned or delegated;
 - (B) continuous availability of a registered nurse for supervision consistent with 21 NCAC 36 .0224(i) and Paragraph (d)(3) of this Rule;
 - (C) accountability maintained by the licensed practical nurse for responsibilities accepted, including nursing care given by self and by all other personnel to whom such care is assigned or delegated;
 - (D) participation by the licensed practical nurse in on-going observations of clients and evaluation of clients' responses to nursing actions; and
 - (E) provision of supervision limited to the validation that tasks have been performed as assigned or delegated and according to established standards of practice.
- (3) The degree of supervision required for the performance of any assigned or delegated nursing activity by the licensed practical nurse when implementing nursing care is determined by variables which include, but are not limited to:
 - (A) educational preparation of the licensed practical nurse, including both the basic educational program and the knowledge and skills subsequently acquired by the nurse through continuing education and practice;
 - (B) stability of the client's clinical condition, which involves both the predictability and rate of change. When a client's condition is one in which change is highly predictable and would be expected to occur over a period of days or weeks rather than minutes or hours, the licensed practical nurse participates in care with minimal supervision. When the client's condition is unpredictable or unstable, the licensed practical nurse participates in the performance of the task under close supervision of the registered nurse or other ~~person(s)~~ individual(s) authorized by law to provide such supervision;
 - (C) complexity of the nursing task which is determined by depth of scientific body of knowledge upon which the action is based and by the task's potential threat to the client's well-being. When a task is complex, the licensed practical nurse participates in the performance of the task under close supervision of the registered nurse or other ~~person(s)~~ individual(s) authorized by law to provide such supervision;
 - (D) the complexity and frequency of nursing care needed by a given client population;
 - (E) the proximity of clients to personnel;
 - (F) the qualifications and number of staff;
 - (G) the accessible resources; and
 - (H) established policies, procedures, ~~practices~~ practices, and channels of communication which lend support to the types of nursing services offered.

(e) Evaluation, a component of implementing the health care plan, consists of participation in determining the extent to which desired outcomes of nursing care are met and in planning for subsequent care. Components of evaluation by the licensed practical nurse include:

 - (1) collecting evaluative data from relevant sources according to written guidelines, ~~poicies~~ policies, and forms;
 - (2) recognizing the effectiveness of nursing interventions; and
 - (3) proposing modifications to the plan of care for review by the registered nurse or other ~~person(s)~~ individual(s) authorized by law to prescribe such a plan.

(f) Reporting and recording are those communications required in relation to the aspects of nursing care for which the licensed practical nurse has been assigned responsibility.

(1) Reporting means the communication of information to other ~~persons~~ individuals responsible for or involved in the care of the client. The licensed practical nurse is accountable for:

- (A) directing the communication to the appropriate ~~person(s)~~ individual(s) and consistent with established policies, procedures, ~~practices~~ practices, and channels of communication which lend support to types of nursing services offered;
- (B) communicating within a time period which is consistent with the client's need for care;
- (C) evaluating the nature of responses to information reported; and
- (D) determining whether further communication is indicated.

(2) Recording means the documentation of information on the appropriate client record, nursing care ~~plan~~ plan, or other documents. This documentation must:

- (A) be pertinent to the client's health care including client's response to care provided;
- (B) accurately describe all aspects of nursing care provided by the licensed practical nurse;
- (C) be completed within a time period consistent with the client's need for care;
- (D) reflect the communication of information to other persons; and
- (E) verify the proper administration and disposal of controlled substances.

(g) Collaborating involves communicating and working cooperatively in implementing the health care plan with individuals whose services may have a direct or indirect effect upon the client's health care. As delegated by the registered nurse or other ~~person(s)~~ individual(s) authorized by law, the licensed practical nurse's role in collaborating in client care includes:

- (1) participating in planning and implementing nursing or multidisciplinary approaches for the client's care;
- (2) seeking and utilizing appropriate resources in the referral process; and
- (3) safeguarding confidentiality.

(h) "Participating in the teaching and counseling" of clients as assigned by the registered nurse, physician or other qualified professional licensed to practice in North Carolina is the responsibility of the licensed practical nurse. Participation includes:

- (1) providing accurate and consistent information, demonstrations, and guidance to clients, their ~~families~~ families, or significant others

regarding the client's health status and health care for the purpose of:

- (A) increasing knowledge;
- (B) assisting the client to reach an optimum level of health functioning and participation in ~~self-care~~; self-care; and
- (C) promoting the client's ability to make informed decisions.

(2) collecting evaluative data consistent with Paragraph (e) of this Rule.

(i) Accepting responsibility for self for individual nursing actions, ~~competence~~ competence, and behavior which includes:

- (1) having knowledge and understanding of the statutes and rules governing nursing;
- (2) functioning within the legal boundaries of licensed practical nurse practice; and
- (3) respecting client rights and property, and the rights and property of others.

Authority G.S. 90-171.20(7),(8); 90-171.23(b); 90-171.43(4).

21 NCAC 36 .0226 NURSE ANESTHESIA PRACTICE

(a) Only those registered nurses who meet the qualifications as outlined in Paragraph (b) of this Rule may perform nurse anesthesia activities outlined in Paragraph (c) of this Rule.

(b) Qualifications and Definitions:

(1) The registered nurse who completes a program accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs, is credentialed as a certified registered nurse anesthetist by the Council on Certification of Nurse Anesthetists, and who maintains recertification through the Council on Recertification of Nurse Anesthetists, may perform nurse anesthesia activities in collaboration with a physician, dentist, podiatrist, or other lawfully qualified health care provider, but may not prescribe a medical treatment regimen or make a medical diagnosis except under the supervision of a licensed physician; and

(2) Collaboration is a process by which the certified registered nurse anesthetist works with one or more qualified health care providers, each contributing his or her respective area of expertise consistent with the appropriate occupational licensure laws of the State and according to the established policies, procedures, ~~practices~~ practices, and channels of communication which lend support to nurse anesthesia ~~services~~ services, and which define the role(s) and responsibilities of the qualified nurse anesthetist within the practice setting. The individual nurse anesthetist maintains accountability for the outcome of his or her actions.

(c) Nurse Anesthesia activities and responsibilities which the appropriately qualified registered nurse anesthetist may safely accept are dependent upon the individual's knowledge and skills, and other variables in each practice setting as outlined in 21 NCAC 36 .0224(a). These activities include:

- (1) Preanesthesia preparation and evaluation of the client to include:
 - (A) performing a pre-operative health assessment;
 - (B) recommending, ~~requesting~~ requesting, and evaluating pertinent diagnostic studies; and
 - (C) selecting and administering preanesthetic medications.
- (2) Anesthesia induction, ~~maintenance~~ maintenance, and emergence of the client to include:
 - (A) securing, ~~preparing~~ preparing, and providing safety checks on all equipment, monitors, ~~supplies~~ supplies, and pharmaceutical agents used for the administration of anesthesia;
 - (B) selecting, implementing, and managing general anesthesia; monitored anesthesia care; and regional anesthesia modalities, including administering anesthetic and related pharmaceutical agents, consistent with the client's needs and procedural requirements;
 - (C) performing tracheal intubation, ~~extubation~~ extubation, and providing mechanical ventilation;
 - (D) providing perianesthetic invasive and non-invasive monitoring, recognizing abnormal findings, implementing corrective action, and requesting consultation with appropriately qualified health care providers as necessary;
 - (E) managing the client's fluid, blood, ~~electrolyte~~ electrolyte, and acid-base balance; and
 - (F) evaluating the client's response during ~~emergency~~ emergence from ~~anesthesia~~ anesthesia, and implementing pharmaceutical and supportive treatment to ensure the adequacy of client recovery from anesthesia.
- (3) Postanesthesia Care of the client to include:
 - (A) providing postanesthesia follow-up care, including evaluating the client's response to anesthesia, recognizing potential anesthetic complications, implementing corrective actions, and requesting consultation with

- (B) appropriately qualified health care professionals as necessary;
- (B) initiating and administering respiratory support to ensure adequate ventilation and oxygenation in the immediate postanesthesia period;
- (C) initiating and administering pharmacological or fluid support of the cardiovascular system during the immediate postanesthesia period;
- (D) documenting all aspects of nurse anesthesia care and reporting the client's status, perianesthetic course, and anticipated problems to an appropriately qualified postanesthetic health care provider who assumes the client's care following anesthesia consistent with 21 NCAC 36 .0224(f); and
- (E) releasing clients from the postanesthesia care or surgical setting as per established agency policy.

(d) Other clinical activities for which the qualified registered nurse anesthetist may accept responsibility include, but are not limited to:

- (1) inserting central vascular access catheters and epidural catheters;
- (2) identifying, responding ~~to~~ to, and managing emergency situations, including initiating and participating in cardiopulmonary resuscitation;
- (3) providing consultation related to respiratory and ventilatory care and implementing such care according to established policies within the practice setting; and
- (4) initiating and managing pain relief therapy utilizing pharmaceutical agents, regional anesthetic ~~techniques~~ techniques, and other accepted pain relief modalities according to established policies and protocols within the practice setting.

Authority G.S. 90-171.20(4); 90-171.20(7); 90-171.21; 90-171.23; 90-171.42(b).

21 NCAC 36 .0228 CLINICAL NURSE SPECIALIST PRACTICE

(a) Effective July 1, 2015, only a registered nurse who meets the qualifications as outlined in Paragraph (b) of this Rule shall be recognized by the Board as a clinical nurse specialist to perform advanced practice registered nursing activities as outlined in Paragraph (f) of this Rule.

(b) The Board of Nursing shall recognize an applicant who:

- (1) has an ~~unrestricted~~ active, unencumbered license to practice as a registered nurse in North Carolina or a state that has adopted the Nurse Licensure Compact;
- (2) has an unrestricted previous approval, ~~registration~~ registration, or license as a clinical nurse specialist if previously approved,

registered, or licensed as a clinical nurse specialist in another state, territory, or possession of the United States;

(3) has successfully completed a master's or higher degree program accredited by a nursing accrediting body approved by the United States Secretary of Education or the Council for Higher Education Accreditation and meets the qualifications for clinical nurse specialist certification by an approved national credentialing body under Part (b)(4)(A) of this Rule; and

(4) either:

(A) has current certification as a clinical nurse specialist from a national credentialing body approved by the ~~Board of Nursing, Board~~, as defined in Paragraph (h) of this Rule and 21 NCAC 36 .0120(26); or

(B) if no clinical nurse specialist certification is available in the specialty, meets requirements determined by the Board to be equivalent to national certification. The Board shall determine equivalence based on consideration of an official transcript and course descriptions validating Subparagraph (b)(3) of this Rule, current curriculum vitae, work history, and professional recommendations indicating evidence of at least 1,000 hours of clinical nurse specialist practice, and documentation of certificates indicating 75 contact hours of continuing education applicable to clinical nurse specialist practice during the previous five years.

(c) An applicant certified as a clinical nurse specialist by a national credentialing body prior to January 1, 2007 and who has maintained that certification and active clinical nurse specialist practice, and holds a master's or higher degree in nursing or a related field shall be recognized by the Board as a clinical nurse specialist.

(d) New graduates seeking first-time clinical nurse specialist recognition in North Carolina shall hold a ~~Master's, master's, post-master's post-master's~~, or higher degree from a clinical nurse specialist program accredited by a nursing accrediting body approved by the U.S. Secretary of Education or the Council for Higher Education Accreditation as acceptable by the Board, and meets all requirements in Subparagraph (b)(1) and Part (g)(5)(A) of this Rule.

(e) A clinical nurse specialist seeking ~~Board of Nursing~~ recognition who has not practiced as a clinical nurse specialist in more than two years shall complete a clinical nurse specialist refresher course approved by the ~~Board of Nursing~~ in accordance with 21 NCAC 36 .0220(o) and (p) and consisting of common conditions and their management related to the clinical nurse specialist's area of education and certification. A clinical nurse specialist refresher course participant shall be granted clinical

nurse specialist recognition that is limited to clinical activities required by the refresher course.

(f) The scope of practice of a clinical nurse specialist incorporates the basic components of nursing practice as defined in Rule .0224 of this Section as well as the understanding and application of nursing principles at an advanced practice registered nurse level in the area of clinical nursing specialization in which the clinical nurse specialist is educationally prepared and for which competency has been maintained that includes the following:

- (1) assessing clients' health status, ~~synthesizing synthesizing~~, and analyzing multiple sources of data, and identifying alternative possibilities as to the nature of a healthcare problem;
- (2) diagnosing and managing clients' acute and chronic health problems within an advanced practice nursing framework;
- (3) assessing for and monitoring the usage and effect of pharmacologic agents within an advanced practice nursing framework;
- (4) formulating strategies to promote wellness and prevent illness;
- (5) prescribing and implementing therapeutic and corrective non-pharmacologic nursing interventions;
- (6) planning for situations beyond the clinical nurse specialist's expertise, and consulting with or referring clients to other health care providers as appropriate;
- (7) promoting and practicing in collegial and collaborative relationships with clients, families, other health care ~~professionals professionals~~, and individuals whose decisions influence the health of individual clients, ~~families families~~, and communities;
- (8) initiating, ~~establishing establishing~~, and utilizing measures to evaluate health care outcomes and modify nursing practice decisions;
- (9) assuming leadership for the application of research findings for the improvement of health care outcomes; and
- (10) integrating education, consultation, management, leadership, and research into the clinical nurse specialist role.

(g) A registered nurse seeking recognition by the Board as a clinical nurse specialist shall:

- (1) complete the appropriate application that shall include the following:
 - (A) evidence of a masters, post-master's ~~ertificate certificate~~, or doctoral degree as set out in Subparagraph (b)(3) or Paragraph (d) of this Rule; and, either
 - (B) evidence of current certification in a clinical nursing specialty from a national credentialing body as set out in Part (b)(4)(A) of this Rule; or
 - (C) meet requirements as set out in Part (b)(4)(B) of this Rule;

- (2) renew the recognition every two years at the time of registered nurse renewal; and
- (3) either:
 - (A) submit evidence of initial certification and re-certification by a national credentialing body at the time such occurs in order to maintain Board of Nursing recognition consistent with Paragraphs (b) and (h) of this Rule; or
 - (B) if subject to Part (b)(4)(B) of this Rule, submit evidence of at least 1,000 hours of practice and 75 contact hours of continuing education every five years.
- (h) The Board of ~~Nursing~~ may approve those national credentialing bodies offering certification and recertification in a clinical nursing specialty that have established the following minimum requirements:
 - (1) an unrestricted registered nurse license; and
 - (2) certification as a clinical nurse specialist shall be limited to ~~masters~~, master's, post-master's certificate, or doctorally prepared applicant.

Authority G.S. 90-171.20(4); 90-171.20(7); 90-171.21(d)(4); 90-171.23(b); 90-171.27(b); 90-171.42(b).

21 NCAC 36 .0232 CONTINUING COMPETENCE

- (a) ~~Effective July 1, 2006, upon~~ Upon application for license renewal or reinstatement, each licensee shall:
 - (1) Complete a self-assessment of practice including the dimensions of: professional responsibility, knowledge based practice, legal/ethical ~~practice~~ practice, and collaborating with others;
 - (2) Develop a plan for continued learning; and
 - (3) Select and implement a learning activity option from those outlined in Paragraph (b) of this Rule.
- (b) ~~Effective July 1, 2008, upon~~ Upon application for license renewal or reinstatement, each licensee shall attest to having completed one of the following learning activity options during the preceding renewal cycle and ~~be prepared to~~ submit evidence of completion if requested by the Board:
 - (1) National Certification or re-certification related to the nurse's practice role by a national credentialing body recognized by the Board, consistent with 21 NCAC 36 .0120 and 21 NCAC 36 .0801;
 - (2) Thirty contact hours of continuing education activities related to the nurse's practice;
 - (3) Completion of a ~~Board-approved~~ Board-approved refresher course, consistent with 21 NCAC 36 .0220 and 21 NCAC 36 .0808(d);
 - (4) Completion of a minimum of two semester hours of post-licensure academic education related to nursing practice;
 - (5) Fifteen contact hours of a continuing education activity related to the nurse's practice and completion of a nursing project as principal or co-principal investigator to include a statement

- of the problem, project objectives, ~~methods~~ methods, and summary of findings;
- (6) Fifteen contact hours of a continuing education activity related to the nurse's practice and authoring or co-authoring a published nursing-related article, paper, ~~book~~ book, or book chapter;
- (7) Fifteen contact hours of a continuing education activity related to the nurse's practice and designing, developing, and conducting an educational presentation or presentations totaling a minimum of five contact hours for nurses or other health professionals; or
- (8) Fifteen contact hours of a continuing education activity related to the nurse's practice and 640 hours of active practice within the previous two years.
- (c) The following documentation shall be accepted as evidence of completion of learning activity options outlined in Paragraph (b) of this Rule:
 - (1) Evidence of national certification shall include a copy of a certificate which includes name of licensee, name of certifying body, date of certification, date of certification expiration. Certification shall be initially attained during the licensure period, or have been in effect during the entire licensure period, or have been re-certified during the licensure period.
 - (2) Evidence of contact hours of continuing education shall include the name of the ~~licensee~~, licensee, title of educational activity, name of the provider, number of contact ~~hours~~ hours, and date of activity.
 - (3) Evidence of completion of a ~~Board-approved~~ Board-approved refresher course shall include written correspondence from the provider with the name of the licensee, name of the provider, and verification of successful completion of the course.
 - (4) Evidence of post-licensure academic education shall include a copy of transcript with the name of the licensee, name of educational institution, date of attendance, name of course with ~~grade~~ grade, and number of credit hours received.
 - (5) Evidence of completion of a nursing project shall include an abstract or summary of the project, the name of the licensee, role of the licensee as principal or co-principal investigator, date of project completion, statement of the problem, project objectives, methods ~~used~~ used, and summary of findings.
 - (6) Evidence of authoring or co-authoring a published nursing-related article, paper, ~~book~~ book, or book chapter which shall include a copy of the publication to include the name of the licensee and publication date.
 - (7) Evidence of developing and conducting an educational presentation or presentations totaling at least five contact hours for nurses or

other health professionals shall include a copy of program brochure or course syllabi, objectives, content and teaching methods, and date and location of presentation.

- (8) Evidence of 640 hours of active practice in nursing shall include documentation of the name of the licensee, number of hours worked in calendar or fiscal year, name and address of ~~employer~~ employer, and signature of supervisor. If self-employed, hours worked may be validated through other methods such as tax records or other business records. If active practice is of a volunteer or gratuitous nature, hours worked may be validated by the recipient agency.

(d) A licensee shall retain supporting documentation to provide proof of completion of the option chosen in Paragraph (b) of this Rule ~~throughout the renewal cycle.~~ for three years.

(e) ~~Effective July 1, 2008,~~ At the time of license renewal or reinstatement, licensees may be subject to audit for proof of compliance with the Board's requirements for continuing competence.

(f) The Board shall inform licensees of their selection for audit ~~upon notice~~ at the time of license renewal or request for reinstatement. Documentation of acceptable evidence shall be consistent with Paragraph (c) of this Rule and shall be submitted to the Board no later than the last day of the renewal month.

(g) Failure of a licensee to meet the requirements of this Rule at the time of renewal shall result in ~~disciplinary action pursuant to G.S. 90-171.37 and 21 NCAC 36-0217.~~ license not being renewed until evidence of compliance is submitted and approved by the Board.

(h) Licensee shall not be reinstated until licensee has met all requirements of this Rule.

Authority G.S. 90-171.23(b); 90-171.37(1) and (8).

21 NCAC 36 .0233 OUT OF STATE STUDENTS

(a) Unlicensed nursing students enrolled in ~~out-of-state~~ out-of-state nursing education programs who are requesting utilization of North Carolina clinical facilities shall be allowed such experiences following approval by the ~~Board of Nursing.~~ Board. Upon receiving such a request, the chief nursing administrator of a North Carolina clinical facility shall provide the Board with the following at least 30 days prior to the start of the requested experience:

- (1) Letter of request for approval to provide the clinical offering including proposed starting and completion dates;
- (2) Documentation that the nursing program is currently approved by the Board of Nursing in the state in which the parent institution is located;
- (3) Name, ~~qualifications~~ qualifications, and evidence of ~~current~~ an active, unencumbered registered nurse licensure of the faculty responsible for coordinating the student's experience; and

- (4) Name, ~~qualifications~~ qualifications, and evidence of current license to practice as ~~an RN~~ a registered nurse in NC North Carolina for preceptor or on-site faculty.

(b) Copies of the following shall be distributed by the chief nursing administrator of the clinical facility to all students and faculty involved in the clinical experiences:

- (1) North Carolina Nursing Practice Act;
- (2) North Carolina administrative rules and related interpretations regarding the role of the ~~RN,~~ registered nurse, LPN, licensed practical nurse, and unlicensed nursing personnel; and
- (3) North Carolina Board of Nursing developed Suggestions for Utilization of Preceptors.

(c) Failure to continue in compliance with the requirements in Paragraph (a) of this Rule shall result in the immediate withdrawal of the Board's approval of the clinical offering and student status consistent with G.S. 90-171.43(2).

Authority G.S. 90-85.3; 90-171.23(b) 90-171.43; 90-171.83.

SECTION .0300 - APPROVAL OF NURSING PROGRAMS

21 NCAC 36 .0302 ESTABLISHMENT OF A NURSING PROGRAM - INITIAL APPROVAL

(a) ~~At least six months prior to the proposed enrollment of students in a nursing program,~~ An institution seeking Initial approval Approval to operate a nursing program shall employ a program director qualified pursuant to ~~21 NCAC 36 .0317(e)~~ to develop an application documenting the following: Rule .0317(c) of this Section.

(b) The program director shall submit an Application for Initial Approval at least six months prior to proposed program start date which documents the following:

- (1) a narrative description of the organizational structure of the program and its relationship to the controlling institution, including accreditation status. The controlling institution shall be an accredited institution;
- (2) a general overview of the entire proposed curriculum that includes:
 - (A) the program philosophy, purposes, and objectives;
 - (B) a master plan of the curriculum, indicating the sequence for both nursing and non-nursing courses, as well as prerequisites and corequisites;
 - (C) course descriptions and course objectives for all courses; and
 - (D) course syllabi pursuant to 21 NCAC 36. 0321(i) for all first-year nursing courses;
- (3) the proposed student population;
- (4) the projected student enrollment;
- (5) evidence of learning resources and clinical experiences available to implement and maintain the program;
- (6) financial resources adequate to begin and maintain the program;

- (7) physical facilities adequate to house the program;
- (8) support services available to the program from the controlling institution;
- (9) approval of the program by the governing body of the controlling institution; and
- (10) a plan with a specified time frame for:
 - (A) availability of qualified faculty as specified in 21 NCAC 36 .0318;
 - (B) course syllabi as specified in 21 NCAC 36. 0321(h) of this Section for all nursing courses;
 - (C) student policies for admission, progression, and graduation of students, pursuant to 21 NCAC 36 .0320 of this Section; and
 - (D) comprehensive program evaluation pursuant to 21 NCAC 36 .0317(d).

~~(b)(c)~~ The application to establish a nursing program shall ~~be on a Board form~~, contain current and accurate information required in Paragraph (a) of this Rule, be complete, and be signed by the program director and the chief executive officer of the controlling institution.

~~(c)(d)~~ The completed application shall be received by the Board not less than 120 days prior to a regular meeting of the Board to be considered for placement on the agenda of that meeting.

(e) If another program exists in the institution, the application shall include:

- (1) the organizational relationship of the existing program and the proposed program in the institution;
- (2) the NCLEX pass rate of the existing program for the past three years; and
- (3) a description of the expected impact of the proposed program on the existing program including:
 - (A) availability of a program director for each program;
 - (B) availability of qualified faculty;
 - (C) physical facilities adequate to house both programs;
 - (D) availability of learning resources;
 - (E) availability of clinical experiences;
and
 - (F) adequacy of student services.

(f) No new program application shall be considered when a nursing program currently exists in the institution if:

- (1) the NCLEX pass rate of the existing program has not met the standard for the past three years; and
- (2) resources are not demonstrated to be adequate to maintain both the existing and the proposed program in compliance with the rules of this Section.

~~(d)(g)~~ The Board shall conduct an on-site survey of the proposed program after the application meets all the requirements set forth in this Rule, shall prepare a survey report, and afford the petitioning institution an opportunity to respond to the survey report.

~~(e)(h)~~ The Board shall consider all evidence, including the application, the survey report, comments from representatives of the petitioning institution, public comments, and the status of other nursing programs at the institution in determining whether to approve the application.

~~(f)(i)~~ If the Board finds, from the evidence presented, that the resources and plans meet all requirements set forth in this Rule for establishing a new nursing program, application is approved, the Board shall grant Initial Approval, and shall establish a maximum enrollment and implementation date.

~~(g)~~ If the Board determines that a proposed program does not comply with all rules, Initial Approval shall be denied.

~~(h)(j)~~ The Board shall rescind the Initial Approval of a program if the controlling institution fails to submit documentation as set forth in the plan required by Subparagraph ~~(a)(10)(b)(10)~~ of this Rule.

~~(i)(k)~~ The Board shall rescind the Initial Approval of a program if the first class of students is not enrolled in the program within one year after issuing the Initial Approval.

~~(j)(l)~~ For 12 months following rescission of approval, the controlling institution shall not submit an application for establishing a nursing program.

~~(k)(m)~~ A program shall retain Initial Approval Status for the time necessary for full implementation of the curriculum provided that the program complies with Section .0300 of this Chapter.

- ~~(l)(n)~~ Programs with Initial Approval shall be surveyed:
- (1) during the final term of curriculum implementation of the program; and
 - (2) upon receipt by the Board of information that the program may not be complying with Section .0300.

~~(m)(o)~~ If at any time it comes to the attention of the Board that a program on Initial Approval is not complying with Section .0300 of this Chapter, the program, upon written notification, shall:

- (1) correct the area of noncompliance and submit written evidence of this correction to the Board; or
- (2) submit and implement a plan for correction to the Board.

~~(n)(p)~~ The Board shall rescind the Initial Approval of a program if the Board determines that the program does not comply with Paragraph ~~(m)(o)~~ of this Rule.

~~(o)(q)~~ If, following the survey and during final curriculum implementation, the ~~Boards Board~~ finds that the program is complying with Section .0300 of this Chapter, the Board shall place the program on Full Approval status.

~~(p)(r)~~ If, following the survey and during final curriculum implementation, the Board finds that the program does not comply with the Section .0300 of this Chapter, the Board shall rescind the program's Initial Approval and provide the program with written notice of the Board's decision.

~~(q)(s)~~ Upon written request from the program submitted within 10 business days of the Board's written notice of rescinding the Initial Approval, the Board shall schedule a hearing ~~within 30 business days from the date on which the request was received. at the next available meeting of the Board for which appropriate notice can be provided, or scheduled by consent of the parties.~~

~~(r)(t)~~ Following the hearing and consideration of all evidence provided, the Board shall assign the program Full Approval status

or shall enter an Order rescinding the Initial Approval status, which shall constitute program closure pursuant to 21 NCAC 36 .0309.

Authority G.S. 90-171.23(b)(8); 90-171.38.

21 NCAC 36 .0303 EXISTING NURSING PROGRAM

(a) All nursing programs under the authority of the Board may obtain national program accreditation by a nursing accreditation body as defined in 21 NCAC ~~36 .0120(29)~~, 36 .0120(30).

(b) Board action is based upon each program's performance and demonstrated compliance to the Board's requirements and responses to the Board's recommendations. The Board may, depending on the severity and pattern of violations, require corrective action for identified deficiencies, impose a monitoring plan, conduct a program survey, change program approval status, issue discipline, or close a program.

~~(b)(c)~~ Full Approval

(1) The Board shall review approved programs at least every eight years as specified in G.S. 90-171.40. Reviews of individual programs shall be conducted at shorter intervals upon request from the individual institution or as considered necessary by the Board. National accreditation self-study reports shall provide a basis for review for accredited programs.

(2) The Board shall send a written report of the review no more than 20 business days following the completion of the review process. Responses from a nursing education program regarding a review report or Warning Status as referenced in Paragraph ~~(e)(d)~~ of this Rule shall be received in the Board office by the deadline date specified in the letter accompanying the report or notification of Warning Status. If no materials or documents are received by the specified deadline date, the Board shall act upon the findings in the review report and the testimony of the Board staff.

~~(3) If the Board determines that a program has complied with the rules in this Section, the program shall be continued on Full Approval status.~~

~~(4)(3) If the Board determines a pattern of noncompliance with one or more rules in this Section, a review shall be conducted. The program shall submit to the Board a plan of compliance to correct the identified pattern. Failure to comply with the correction plan shall result in withdrawal of approval, constituting program closure, consistent with 21 NCAC 36 .0309. the Board may take action as outlined in Paragraph (b) of this Rule.~~

~~(e)(d)~~ Warning Status

(1) If the Board determines that a program is not complying with the ~~rules~~ Rules in this Section, the Board shall ~~shall~~ may assign the program Warning Status and shall give written notice by certified mail to the program specifying:

- (A) the areas in which there is noncompliance;
- (B) the date by which the program must comply with the rules in this Section. The maximum time for compliance is two years after issuance of the written notice; and
- (C) the opportunity to schedule a hearing. Any request for a hearing regarding the program Warning Status shall be submitted to the Board. A hearing shall be afforded pursuant to the provisions of G.S. 150B, Article 3A.

(2) On or before the required date of compliance identified in this Paragraph, if the Board determines that the program is complying with the rules in this Section, the Board shall assign the program Full Approval Status.

(3) If the Board finds the program is not in compliance with the rules in this Section by the date specified in Part ~~(e)(1)(B)(d)(1)(B)~~ of this Rule, the program shall remain on Warning Status; and,

- (A) a review by the Board shall be conducted during that time;
- (B) following review, the Board may continue the program on Warning Status; or
- (C) the Board may withdraw approval, constituting program closure consistent with Subparagraph (b)(4) of this Rule.

(4) Upon written request from the program submitted within 10 business days of the Board's written notice of Warning Status, the Board shall schedule a hearing ~~within 30 business days after the date on which the request was received.~~ at the next available meeting of the Board for which appropriate notice can be provided, or scheduled by consent of the parties.

~~(5) When a hearing is held at the request of the program and the Board determines the program is in compliance with the rules in this Section, the Board shall assign the program Full Approval Status.~~

~~(6)(5)~~ When a hearing is held at the request of the program and the Board determines that the program is not in compliance with the rules in this Section, the program shall remain on Warning Status; and,

- (A) a review by the Board shall be conducted during that time;
- (B) following review, the Board may continue the program on Warning Status; or
- (C) the Board may withdraw approval, constituting program closure

consistent with Subparagraph ~~(b)(4)(c)(4)~~ of this Rule.

Authority G.S. 90-171.23(b); 90-171.38; 90-171.39; 90-171.40.

21 NCAC 36 .0309 PROCESS FOR PROGRAM CLOSURE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0317 ADMINISTRATION

(a) The controlling institution of a nursing program shall provide those human, physical, technical, and financial resources and services essential to support program processes and outcomes, including those listed in Paragraph ~~(d)(f)~~ and ~~(e)(g)~~ of this Rule, and maintain compliance with Section .0300 of this Chapter.

(b) A full-time registered nurse qualified pursuant to Paragraph ~~(e)(e)~~ of this Rule shall have the authority for the direction of the nursing program.

~~(c) This authority~~ The program director shall encompass responsibilities have the authority and responsibility for maintaining compliance with rules Rules and other legal requirements in all areas of the program.

~~(d) The program director shall have non-teaching time sufficient to allow for program organization, administration, continuous review, planning, and development.~~

~~(e)(e) Program~~ The program director in a program preparing students for initial nurse licensure shall satisfy the following requirements:

- (1) ~~hold a current unrestricted an active unencumbered~~ license or multistate licensure privilege to practice as a registered nurse in North Carolina;
- (2) have two years of full-time experience as a faculty member in a Board-approved nursing program;
- (3) be experientially qualified to lead the program to accomplish the mission, goals, and expected program outcomes;
- (4) hold either a baccalaureate in nursing or a graduate degree in nursing from an accredited institution. If newly employed on or after January 1, 2016, hold a graduate degree from an accredited institution. If newly employed on or after January 1, 2021, hold a graduate degree in nursing from an accredited institution;
- (5) prior to or within the first three years of employment, have education in teaching and learning principles for adult education, including curriculum development, implementation, and evaluation, appropriate to the program director role. Once completed, this preparation need not be repeated if employing organization is changed. This ~~education preparation~~ preparation may be demonstrated by one of the following:

(A) completion of 45 contact hours of Board-approved continuing education courses;

- (B) completion of a certificate program in nursing education;
 - (C) nine semester hours of graduate course work in adult learning and learning principles;
 - (D) national certification in nursing education; ~~or~~
 - (E) documentation of successful completion of structured, individualized development activities of at least 45 contact hours approved by the Board. Criteria for approval include content in the faculty role within the curriculum implementation, curricular objectives to be met and evaluated, review of strategies for identified student population, and expectations of student and faculty performance; or
 - (F) any registered nurse who was employed as a nurse program director for the first time prior to January 1, 1984 is exempt from the requirements in Part (E) of this Subparagraph.
- (6) maintain competence in the areas of assigned responsibility; and
 - (7) have ~~current~~ knowledge of current nursing practice for the registered nurse and the licensed practical nurse.

~~(d)(f)~~ The nursing education program shall implement, for quality improvement, a comprehensive program evaluation that shall include the following:

- (1) students' achievement of program outcomes;
- (2) evidence of program resources, including fiscal, physical, human, clinical, and technical learning resources; student support services; and the availability of clinical sites and the viability of those sites adequate to meet the objectives of the program;
- (3) measures of program outcomes for graduates;
- (4) evidence that accurate program information for the public is available;
- (5) evidence that the controlling institution and its administration support program outcomes;
- (6) evidence that program director and program faculty meet Board qualifications and are sufficient in number to achieve program outcomes;
- (7) evidence that the academic institution assures security of student information;
- (8) evidence that collected evaluative data is utilized in implementing quality improvement activities; and
- (9) evidence of student participation in program planning, implementation, evaluation, and continuous improvement.

~~(e)(g)~~ The controlling institution and the nursing education program shall communicate information describing the nursing education program that is accurate, complete, consistent across

mediums, and accessible by the public. The following shall be accessible to all applicants and students:

- (1) admission policies and practices;
- (2) policy on advanced placement and transfer of credits;
- (3) the number of credits required for completion of the program;
- (4) tuition, fees, and other program costs;
- (5) policies and procedures for withdrawal, including refund of tuition or fees;
- (6) the grievance procedure;
- (7) criteria for successful progression in the program, including graduation requirements; and
- (8) policies for clinical performance.

Authority G.S. 90-171.23(b)(8); 90-171.38.

21 NCAC 36 .0318 FACULTY

(a) ~~All Nursing nursing~~ program faculty shall to include both full-time and part-time faculty members. ~~Part-time faculty members,~~ shall participate in curriculum implementation and evaluation.

(b) Policies for nursing program faculty members shall be consistent with those for other faculty of the institution. Variations in these policies ~~may~~ shall be necessary due to the nature of the nursing curriculum.

(c) Fifty percent or more of the nursing faculty shall hold a graduate degree.

(d) As of January 1, 2021, at least 80 percent of the full-time faculty shall hold a graduate degree in nursing.

(e) As of January 1, 2021, at least 50 percent of the part-time faculty shall hold a graduate degree in nursing.

(f) All faculty shall hold ~~a current unrestricted~~ an active unencumbered license or multistate licensure privilege to practice as a registered nurse in North Carolina.

(g) Nurses licensed pursuant to this Chapter who are full-time and part-time faculty and who teach in a program leading to initial licensure as a nurse shall:

- (1) hold either a baccalaureate in nursing or a graduate degree in nursing from an accredited institution;
- (2) have two calendar years or the equivalent of full-time clinical experience as a registered nurse;
- (3) if newly employed in a full-time faculty position on or after January 1, 2016, hold a graduate degree from an accredited institution or obtain a graduate degree in nursing from an accredited institution within five years of initial full-time employment;
- (4) prior to or within the first three years of employment, have education in teaching and learning principles for adult education, including curriculum development, implementation, and evaluation, appropriate to faculty assignment. Once completed, this preparation need not be repeated if employing organization is changed. This preparation may be demonstrated by one of the following:

- (A) completion of 45 contact hours of Board-approved continuing education courses;
- (B) completion of a certificate program in nursing education;
- (C) nine semester hours of graduate course work in adult learning and learning principles;
- (D) national certification in nursing education; ~~or~~
- (E) documentation of successful completion of structured, individualized development activities of at least 45 contact hours approved by the Board. Criteria for approval include content in the faculty role in the curriculum implementation, curricular objectives to be met and evaluated, review of strategies for identified student population, and expectations of student and faculty performance; or
- (F) any registered nurse who was employed as a nurse faculty member or program director prior to January 1, 1984 is exempt from the requirements in this Subparagraph.

(5) maintain competence in the areas of assigned responsibility; and

(6) have ~~current~~ knowledge of current nursing practice for the registered nurse and the licensed practical nurse.

(h) Interdisciplinary faculty who teach in nursing program courses shall have academic preparation in the content area they are teaching.

(i) Clinical preceptors shall have competencies, assessed by the nursing program, related to the area of assigned clinical teaching ~~responsibilities and shall serve as role models to students.~~ responsibilities. Clinical preceptors may be used to enhance faculty-directed clinical learning experiences after a student has received basic instruction for that specific learning experience. Clinical preceptors shall hold ~~a current, unrestricted~~ an active unencumbered license to practice as a registered nurse in North Carolina.

(j) Nurse faculty members shall have the authority and responsibility for:

- (1) student admission, progression, and graduation requirements; and
- (2) the development, implementation, and evaluation of the curriculum.

(k) Nurse faculty members shall be academically qualified and sufficient in number to implement the curriculum as required by the course objectives, the levels of the students, the nature of the learning environment, and to provide for teaching, supervision, and evaluation.

(l) The faculty-student ratio for faculty-directed preceptor clinical experiences shall be no larger than 1:15. The faculty-student ratio for all other clinical experiences shall be no larger than 1:10.

Authority G.S. 90-171.23(b)(8); 90-171.38; 90-171.83.

21 NCAC 36 .0320 STUDENTS

(a) Students in nursing programs shall meet requirements established by the controlling institution.

(b) Admission requirements and practices shall be stated and published in the controlling institution's publications and shall include assessment of:

- (1) record of high school graduation, ~~high school~~ high school equivalent, or earned credits from a post-secondary institution;
- (2) achievement potential through the use of previous academic records and pre-entrance examination cut-off scores that are consistent with curriculum demands and scholastic expectations; and
- (3) physical and emotional health that would provide evidence that is indicative of the applicant's ability to provide ~~safe~~ competent nursing care to the public.

(c) The number of students enrolled in nursing courses shall not exceed by more than 10 students the maximum number approved by the Board, as established pursuant to 21 NCAC 36 .0302(f) and 21 NCAC 36 .0321(k).

(d) The nursing program shall publish policies in nursing student handbook and college catalog that provide for identification and dismissal of students who:

- (1) present physical or emotional problems which conflict with the safety essential to nursing practice and do not respond to treatment or counseling within a timeframe that enables meeting program objectives;
- (2) demonstrate behavior which conflicts with the safety essential to nursing practice; or
- (3) fail to demonstrate professional behavior, including honesty, integrity, and appropriate use of social media, while in the nursing program of study.

(e) The nursing program shall maintain a three-year average at or above 95 percent of the national pass rate for licensure level pass rate on first writing of the licensure examination for calendar years ending December 31.

(f) The controlling institution shall publish policies in nursing student handbook and college catalog for transfer of credits or for admission to advanced placement and the nursing program shall determine the total number of nursing courses or credits awarded for advanced placement.

Authority G.S. 90-171.23(b)(8); 90-171.38; 90-171.43.

21 NCAC 36 .0321 CURRICULUM

(a) The nursing program curriculum shall:

- (1) be planned by nursing program faculty;
- (2) reflect the stated program philosophy, purposes, and objectives pursuant to 21 NCAC 36 .0302(a)(2);
- (3) be consistent with Article 9A of G.S. 90 and the Rules in this Chapter governing the practice of nursing;

- (4) define the level of performance required to pass each course in the curriculum;
- (5) enable the student to develop the nursing knowledge, ~~skills~~ skills, and abilities necessary for competent practice consistent with the level of licensure and scope as set forth in 21 NCAC 36 .0221, .0224, .0225, and .0231;
- (6) include content in the biological, physical, social, and behavioral sciences to provide a foundation for ~~safe~~ competent, and effective nursing practice;
- (7) provide students the opportunity to acquire and demonstrate, through didactic content and clinical experience under faculty supervision, the knowledge, skills, and abilities required for ~~safe~~, effective, and competent nursing practice across the lifespan; and
- (8) be revised as necessary to maintain a program that reflects changes and advances in health care and its delivery.

(b) Didactic content and supervised clinical experience across the lifespan appropriate to program type shall include:

- (1) ~~Implementing~~ implementing safety principles and practices minimizing risk of harm to clients and providers through both system effectiveness and individual performance;
- (2) ~~Using~~ using informatics to communicate, manage knowledge, mitigate error, and support decision making;
- (3) ~~Employing~~ employing evidence-based practice to integrate best research with clinical expertise and client values for optimal care, including skills to identify and apply best practices to nursing care;
- (4) ~~Providing~~ providing client-centered, culturally competent care by:
 - (A) respecting client differences, values, preferences, and expressed needs;
 - (B) involving clients in decision-making and care management;
 - (C) coordinating and managing continuous client care consistent with the level of licensure. This includes the demonstrated ability to supervise others and provide leadership of the profession appropriate for program type; and
 - (D) promoting healthy lifestyles for clients and populations.

- (5) ~~Working~~ working in interdisciplinary teams to cooperate, collaborate, communicate, and integrate client care and health promotion; and,
- (6) ~~Participating~~ participating in quality improvement processes to measure client outcomes, identify hazards and errors, and develop changes in processes of client care.

(c) Clinical experience shall be comprised of sufficient hours to accomplish the curriculum, shall be supervised by qualified

faculty pursuant to 21 NCAC 36 .0318, and shall ensure students' ability to practice at an entry level.

(d) All student clinical experiences, including those with preceptors, shall be directed by nursing faculty.

(e) A focused client care experience with a minimum of 120 hours shall be provided in the final year of curriculum implementation for programs preparing registered nurses.

(f) A focused client care experience with a minimum of 90 hours shall be provided in the final semester of the curriculum for programs preparing practical nurses.

(g) Learning experiences and methods of instruction, including distance education methods, shall be consistent with the written curriculum plan and shall demonstrate logical curricular progression.

(h) Objectives for each course shall indicate the knowledge, skills, and abilities expected for competent student performance. These objectives shall:

- (1) indicate the relationship between the classroom learning and the application of this learning in the clinical experience;
- (2) serve as criteria for the selection of the types of and settings for learning experiences; and
- (3) serve as the basis for evaluating student performance.

(i) Student course syllabi shall include a description and outline of:

- (1) the course content;
- (2) the learning environments and activities;
- (3) when the course is taken in the curriculum;
- (4) allocation of time for didactic content, clinical experience, laboratory experience, and simulation; and,
- (5) methods of evaluation of student performance, including all evaluation tools used in the curriculum.

(j) Each course shall be implemented in accordance with and evaluated by reference to the student course syllabus.

(k) Requests for approval of changes in, or expansion of, the program, accompanied by all required documentation, shall be submitted in the format provided by the Board at least 30 days prior to implementation for approval by the Board. Criteria for approval include the availability of classrooms, laboratories, clinical placements, ~~equipment~~ equipment, and supplies, and faculty sufficient to implement the curriculum to an increased number of students. Approval is required for any increase in enrollment that exceeds, by more than 10 students, the maximum number approved by the Board. Requests for expansion are considered only for programs with Full Approval status that demonstrate at least a three-year average licensure examination pass rate equal to or greater than the ~~NC~~ North Carolina three-year average pass rate for program type.

(l) The nursing education program shall notify the Board at least 30 days prior to implementation of:

- (1) alternative or additional program ~~schedules~~; and schedules;
- (2) planned decrease in the Board-approved student enrollment number to accurately reflect program ~~capacity~~; capacity; and

(3) changes that alter the currently approved curriculum.

(m) For all programs using simulation experiences substituted for clinical experience time, the nursing education program shall:

- (1) demonstrate that simulation faculty have been formally educated, and maintain the competencies in simulation and debriefing; and
- (2) provide a simulation environment with adequate faculty, space, equipment, and supplies that simulate realistic clinical experiences to meet the curriculum and course objectives.

(n) Programs not holding national nursing accreditation shall limit simulation experiences to no more than 25 percent in any course including the focused client care experience.

(o) Programs holding national nursing accreditation shall limit simulation experiences to:

- (1) no more than 25 percent in the focused client care ~~experience~~; experience; and
- (2) no more than 50 percent of clinical experience time in any other course.

(p) External standardized examinations shall not be used as a determinant of a student's progression or graduation in a nursing education program preparing students for initial nurse licensure.

Authority G.S. 90-171.23(b)(8); 90-171.38.

21 NCAC 36 .0322 FACILITIES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0323 RECORDS AND REPORTS

(a) The controlling institution's publications describing the nursing program shall be current and accurate.

(b) There shall be a system for maintaining official records. Current and permanent student records shall be stored in a secure manner that prevents physical damage and unauthorized access.

(c) Both permanent and current records shall be available for review by Board staff.

(d) The official permanent record for each graduate shall include documentation of graduation from the program and a transcript of the individual's achievement in the program.

(e) The record for each currently enrolled student shall contain up-to-date and complete information, including the following:

- (1) documentation of admission criteria met by the student;
- (2) documentation of high school graduation, high school equivalent, or earned credits from post-secondary institution approved pursuant to G.S. 90-171.38(a); and
- (3) a transcript of credit hours achieved in the classroom, laboratory, and clinical instruction for each course that reflects progression consistent with program policies.

(f) The nursing program shall file with the Board records, data, and reports in order to furnish information concerning operation of the program as prescribed in the rules in this Section, including:

- (1) an Annual Report to be filed with the Board by November 1 of each year;

- (2) a Program Description Report for non-accredited programs filed with the Board at least 30 days prior to a scheduled review by the Board; and
- (3) notification by institution administration of any change of the registered nurse responsible for the nursing program. This notification shall include a curriculum vitae for the new individual and shall be submitted no later than 10 business days of the effective date of the change.

(g) All communications relevant to accreditation shall be submitted to the ~~North Carolina Board of Nursing~~ at the same time that the communications are submitted to the accrediting body.

(h) The Board may require additional records and reports for review at any time to provide evidence and substantiate compliance with the rules in this Section by a program and its controlling institutions.

(i) The part of the application for licensure by examination to be submitted by the nursing program shall include a statement verifying satisfactory completion of all requirements for graduation and the date of completion. The nursing program director shall verify completion of requirements to the Board no later than one month following completion of the Board-approved nursing program.

Authority G.S. 90-171.23(b)(8); 90-171.38.

SECTION .0400 - UNLICENSED PERSONNEL: NURSE AIDES

21 NCAC 36 .0401 ROLES OF UNLICENSED PERSONNEL

(a) Definitions. As used in Section .0400:

- (1) "Nursing care activities" means activities performed by unlicensed personnel which are delegated by licensed nurses in accordance with paragraphs (b) and (c) of this Rule.
- (2) "Patient care activities" means activities performed by unlicensed personnel when health care needs are incidental to the personal care required.

(b) The ~~Board of Nursing, Board,~~ as authorized by G.S. 90-171.23(b)(1)(2)(3), shall be the determining authority to identify those nursing care activities which may be delegated to unlicensed personnel. The ~~licensed nurse, registered and practical, registered and licensed practical nurse,~~ in accordance with 21 NCAC 36 .0224 and .0225 and G.S. 90-171.20(7)(8), may delegate nursing care activities to unlicensed personnel, regardless of title, that are appropriate to the level of ~~knowledge and skill~~ knowledge, skill, and validated competence of the unlicensed ~~personnel and are within the legal scope of practice as defined by the Board of Nursing for unlicensed personnel.~~

(c) Those nursing care activities which may be delegated to unlicensed personnel are determined by the following variables:

- (1) knowledge and skills of the unlicensed personnel;

- (2) verification of clinical competence of the unlicensed personnel by ~~the employing agency~~ a registered nurse employed by the agency.
- (3) stability of the client's condition which involves predictability, absence of risk of complication, and rate of change, which thereby excludes delegation of nursing care activities which do not meet the requirements defined in 21 NCAC 36 .0221(b);
- (4) the variables in each service setting which include but are not limited to:
 - (A) the complexity and frequency of nursing care needed by a given client population;
 - (B) the proximity of clients to staff;
 - (C) the number and qualifications of staff;
 - (D) the accessible resources; and
 - (E) established policies, procedures, practices, and channels of communication which lend support to the types of nursing activities being delegated, or not delegated, to unlicensed personnel.

Authority G.S. 90-171.20(2)(4)(7)d.,e.,g.; 90-171.43(4); 90-171.55; 42 U.S.C.S. 1395i-3 (1987).

21 NCAC 36 .0402 COORDINATION WITH DIVISION OF HEALTH SERVICE REGULATION (DHSR)

(a) The Board of ~~Nursing~~ shall accept ~~Level I nurse aides~~ Nurse Aide Is listed on the Division of Health Service Regulation (DHSR) maintained Nurse Aide Registry as meeting the requirements of 21 NCAC 36 .0403(a).

(b) The Board of ~~Nursing~~ shall acquire information from ~~the Division of Health Service Regulation (DHSR)~~ DHSR regarding all qualified ~~Level I nurse aides.~~ nurse aide Is.

Authority G.S. 90-171.20(2)(4)(7)d.,e.,g.; 90-171.43(4); 90-171.55; 42 U.S.C.S. 1395i-3 (1987).

21 NCAC 36 .0403 QUALIFICATIONS

(a) The nurse aide I shall perform basic nursing skills and personal care activities after successfully completing an approved nurse aide I training and competency evaluation ~~or competency evaluation program.~~ or equivalent as approved by the Division of Health Service Regulation (DHSR). The licensed nurse shall delegate these activities only after considering the variables defined in Rule .0401(b) and (c) of this Section. Pursuant to G.S. 90-171.55, ~~as of April 1, 1992~~ no individual may function as a nurse aide I, regardless of title, to provide nursing care activities, as identified in Rule .0401(a) of this Section, to clients or residents until:

- (1) the individual has successfully completed, in addition to an orientation program specific to the employing facility, a ~~State approved~~ State-approved nurse aide I training and competency evaluation program or its equivalent; or a ~~State approved~~ State-approved competency

evaluation program and the employing facility or agency has verified listing on the Division of Health Service Regulation Nurse Aide Registry (~~DHSRNAR~~); (DHSR Nurse Aide Registry); or

- (2) the employing agency or facility has assured that the individual is enrolled in a State approved State-approved nurse aide I training and competency evaluation program which the individual shall successfully complete within four months of employment date. During the four month period, the individual shall be assigned only tasks for which ~~he has~~ they have demonstrated competence and performs under supervision.

(b) The nurse aide II shall perform more complex nursing skills with emphasis on sterile technique in elimination, oxygenation, and nutrition after successful completion of ~~an approved a Board-approved~~ Board-approved nurse aide II training and competency evaluation program. The licensed nurse shall delegate these activities to the nurse aide II only after consideration of the variables described in Rule .0401(b) and (c) of this Section. Pursuant to G.S. 90-171.55, ~~as of January 1, 1991~~ no individual may function as a nurse aide II unless:

- (1) the individual has successfully completed, in addition to an orientation program specific to the employing agency, a Board-approved nurse aide II ~~program course approved by the Board of Nursing~~ according to these Rules or its equivalent as identified by the ~~Board of Nursing~~; Board;
- (2) the individual is listed as a nurse aide I on the ~~DHS~~ Nurse Aide ~~I~~ Registry with no substantiated findings of abuse, neglect, exploitation, mistreatment, diversion of drugs, fraud, or misappropriation of client or employing facility property; property listed on the DHSR Nurse Aide Registry and/or on the NC Health Care Personnel Registry; and
- (3) the employing facility or agency has inquired of the ~~Board of Nursing~~ as to information in the Board of Nursing Nurse Aide II Registry concerning the individual and confirms with the ~~Board of Nursing~~ that the individual is listed on the ~~Board of Nursing~~ Nurse Aide II Registry (~~BNAR~~) as a nurse aide Level II.

(c) Listing on a Nurse Aide Registry is not required if the care is performed by clients themselves, their families or significant others, or by caretakers who provide personal care to individuals whose health care needs are incidental to the personal care required.

(d) Pursuant to G.S. 131E-114.2 and G.S. 131E-270, the medication aide shall be limited to performing technical aspects of medication administration consistent with Rule .0401(b) and (c) of this Section, Rule .0221 of this Chapter, and only after:

- (1) successful completion of a Board-approved medication aide training ~~program approved by the Board of Nursing;~~ program;

- (2) successful completion of a ~~state approved~~ State-approved competency evaluation program; and
- (3) listing on the Medication Aide Registry.

Authority G.S. 90-171.20(2)(4)(7)d., e.g.; 90-171.43(4); 90-171.55; 90-171.56; 131E-114.2; 131E-270; 42 U.S.C.S. 1395i-3 (1987).

21 NCAC 36 .0404 LISTING AND RENEWAL

(a) All nurse aide IIs, as defined in Rule .0403(b) of this ~~Section,~~ Section regardless of working title, employed or assigned in a service agency or facility for the purpose of providing nursing care activities shall be listed on the Board of Nursing Nurse Aide II Registry and shall meet the following requirements:

- (1) successful completion of a Board-approved nurse aide II ~~program course~~ or its Board approved Board-approved equivalent; GED or high school diploma; High School or High School Equivalency Diploma;
- (2) listed as a Level I nurse aide I on the DHSR Nurse Aide Registry with no substantiated findings of abuse, neglect, exploitation, mistreatment, diversion of drugs, fraud, or misappropriation of client or employing facility property; listed on the DHSR Nurse Aide I Registry and/or on the NC Health Care Personnel Registry; and
- (3) submission and approval of an application to the ~~Board of Nursing~~ for placement on the Board of Nursing Nurse Aide II Registry prior to working as a nurse aide II.

The application shall be submitted with the required fee within 30 business days of completion of the nurse aide II ~~program course.~~ Application for initial Initial listing received in by the Board ~~office shall show an expiration day of expire on~~ the last day of the applicant's birth month of the following year.

(b) Nursing students currently enrolled in ~~Board of Nursing approved Board-approved~~ Board-approved nursing ~~programs courses~~ desiring listing as a nurse aide II shall submit:

- (1) An application and application fee; and fee;
- (2) Current listing as a nurse aide I on the DHSR Nurse Aide I Registry with no substantiated findings of abuse, neglect, exploitation, mistreatment, diversion of drugs, fraud, or misappropriation of client or employing facility property listed on the DHSR Nurse Aide I Registry and/or on the NC Health Care Personnel Registry; and
- (2)(3) A listing form Verification completed by the nursing program director indicating successful completion of course work equivalent in ~~content and content,~~ clinical hours hours, and skill competency validation to for that required ~~for~~ of a nurse aide II.

(c) Registered nurses and licensed practical nurses who hold ~~current, unrestricted active, unencumbered~~ current, unrestricted active, unencumbered licenses to practice in North Carolina, ~~and registered nurses and licensed practical nurses in the discipline process by the Board of Nursing who do~~

~~not have any findings as cited in G.S. 131E-256(a)(4)~~ Carolina may make application as a nurse aide II.

(d) An individual previously enrolled in a Board-approved nursing program leading to licensure as ~~RN registered nurse or LPN licensed practical nurse~~ may list with no additional testing provided the student withdrew from school in good standing within the last 24 months and completed the equivalent ~~content content, and clinical hours, hours, and skills competency validation.~~ Such individual shall submit ~~listing form an application~~ as described in Paragraph ~~(b)(2)(b)~~ of this Rule. If the student was in good standing upon withdrawal from the school and withdrew from the school in excess of 24 months, the student must successfully complete an entire nurse aide II program course.

(e) Individuals who have completed a training course equivalent in ~~content and content, clinical hours hours, and skills competency validation~~ to the nurse aide II ~~program, course~~ may submit documentation of the same to the Board of Nursing for review. If training is equivalent, the individual may submit the application with required fee and be listed on the Board of Nursing Nurse Aide Registry as a nurse aide II.

(f) An employing agency or facility may choose up to four nurse aide II tasks to be performed by nurse aide I personnel without the nurse aide I completing the entire nurse aide II ~~program, course.~~ These tasks are individual activities which may be performed after the nurse aide I has received ~~the approved~~ Board-approved training and competency evaluation using nurse aide II education modules as defined in Rule .0403(b) of this Section.

(1) The agency ~~may obtain the selected tasks curriculum model from the nearest Community College or the Board of Nursing, or facility is limited to selecting and implementing a maximum of four nurse aide II tasks for use throughout each agency or facility.~~

(2) ~~The Board of Nursing must be notified of the nurse aide II task(s) that will be performed by nurse aide I personnel in the agency and for which all Board stipulations have been met. The notification of nurse aide II task(s) form which may be requested from the Board office shall be used. Each agency shall receive a verification letter once the Board has been appropriately notified. A nurse aide I, who is trained and evaluated as competent to perform these limited nurse aide II tasks, shall perform these tasks only in the specific agency or facility where the training and competency validation were completed; performance of these tasks by the nurse aide I shall not transfer to another healthcare setting.~~

(3) Documentation of the training and competency evaluation must be maintained for each nurse aide I who is approved to perform these nurse aide II task(s) within the ~~agency, agency or facility.~~

(g) Each nurse aide II shall renew listing with the Board of ~~Nursing biennially on forms provided by the Board, or before the listing period expiration date.~~ The renewal application

application, posted on the Board's website at www.ncbon.com, shall be accompanied by the required fee.

(1) Once the nurse aide II listing expires, it will not be renewed unless the nurse aide II successfully passes a Board-approved competency evaluation or successfully completes an entire Board-approved nurse aide II course.

~~(1)(2)~~ (2) To be eligible for renewal, the nurse aide II ~~must shall~~ have worked at least eight hours for compensation during the past 24 months performing nursing care activities under the supervision of a ~~Registered Nurse, registered nurse.~~

~~(2)(3)~~ (3) Any nurse aide II who has had a continuous period of 24 months during which no nursing care activities were performed for monetary compensation but who has performed patient care activities for monetary compensation shall successfully complete the competency evaluation portion of the nurse aide II ~~program course~~ and submit a renewal application and fee in order to be ~~placed renewed~~ on the Board of Nursing Nurse Aide II Registry.

~~(3)(4)~~ (4) A nurse aide II who has performed no nursing care or patient care activities for monetary compensation within the past 24 months must successfully complete a Board-approved nurse aide II program course prior to submitting the application for renewal.

~~(4)(5)~~ (5) A nurse aide II who has substantiated findings of abuse, neglect, exploitation, mistreatment, diversion of drugs, fraud, or misappropriation of client or employing facility funds property listed on the DHSR Nurse Aide I Registry and/or the NC Health Care Personnel Registry shall not be eligible for renewal as a nurse aide II.

Authority G.S. 90-171.19; 90-171.20(2)(4)(7)d,e,g; 90-171.37; 90-171.43(4); 90-171.55; 90-171.83; 42 U.S.C.S. 1395i-3 (1987).

21 NCAC 36 .0405 APPROVAL OF NURSE AIDE EDUCATION PROGRAMS COURSES

(a) The Board of ~~Nursing~~ shall accept those ~~programs courses~~ approved by DHSR to prepare the nurse aide I.

(b) The ~~North Carolina Board of Nursing~~ shall approve nurse aide II ~~programs, courses.~~ Nurse aide II ~~programs courses~~ may be offered by ~~an~~ a State-licensed individual, agency, or educational institution after the ~~program course~~ is approved by the Board.

(1) Each entity desiring to offer a nurse aide II ~~program course~~ shall submit a ~~program course~~ approval application at least 60 days prior to offering the ~~program, course.~~ It shall include documentation of the following standards:

(A) students ~~will shall~~ be taught and supervised by qualified faculty as defined in Subparagraph (b)(3) of this Rule for clinical experience with

- ~~faculty/student ratio not to exceed 1:10; Rule:~~
- (B) clinical experience faculty/student ratio shall not exceed 1:10;
- ~~(B)(C)~~ the selection and utilization of clinical facilities ~~must~~ shall support the program course curriculum as outlined in Subparagraph (b)(2) of this Rule;
- ~~(C)(D)~~ a written contract shall exist between the program course provider and clinical facility prior to student clinical experience in the facility;
- ~~(D)(E)~~ admission requirements shall include:
- (i) successful completion of nurse aide I training program course or Board of Nursing established DHSR-established equivalent and current nurse aide I listing on DHSR Registry; and
- (ii) ~~GED High School~~ or high school High School Equivalency diploma; and
- (iii) other admission requirements as identified by the program; course provider; and
- ~~(E)(F)~~ a procedure for timely processing and disposition of program course and student complaints shall be established.
- (2) Level II nurse Nurse aide II programs courses shall include a minimum of 80 hours of theory and 80 hours of ~~supervised~~ supervised by a Board-approved registered nurse faculty consistent with the legal scope of practice nurse aide II curriculum as defined by the ~~Board of Nursing~~ Board of Nursing in Rule .0403(b) of this Section. Changes made by the ~~Board of Nursing~~ Board of Nursing in content hours or scope of practice in the nurse aide II program course shall be published in the Bulletin. ~~Requests by the programs to modify the nurse aide II course content shall be directed to the Board office.~~ "Bulletin and posted on the Board's website at www.ncbon.com. Nurse aide II education course shall not use simulation as a substitute for the required 80 hours clinical experience. Competency validation of up to three required nurse aide II skills is permitted in the simulated laboratory environment if validation of such skills is not available in the clinical experience site.
- (3) Minimum competency and qualifications for faculty for the nurse aide ~~Level II programs courses~~ shall include:
- (A) ~~a current unrestricted an active unencumbered~~ license to practice as a registered nurse in North Carolina;
- (B) ~~have had~~ at least two years of direct patient care experiences as an R.N.; a registered nurse; and
- (C) ~~have~~ experience teaching adult learners.
- (4) Each nurse aide II program course shall furnish the Board records, data, and reports requested by the Board in order to provide information concerning operation of the program course and any individual who ~~successfully completes the program.~~ attended the course within the past five years.
- (5) When an approved nurse aide II program course closes, the Board shall be notified in writing by the ~~program.~~ course. The Board shall be informed as to permanent storage of student records.
- (6) Any Board-approved nurse aide II course wishing to provide nurse aide II competency evaluation shall obtain Board approval.
- (A) Board-approved nurse aide II course shall be in Full Approval status for at least one year prior to submitting an application to provide nurse aide II course; and
- (B) Full Approval course status shall be maintained to provide nurse aide II competency evaluation.
- (c) An annual program course report shall be submitted by the Program Course Director to the ~~Board of Nursing on in~~ Board ~~form~~ Board-approved format by March ~~15~~ 31 of each year. Failure to submit annual report shall result in administrative action affecting approval status as described in Paragraphs ~~(d)(e)~~ (e)(f) of this Rule.
- (d) Complaints regarding nurse aide II programs courses may result in an ~~on-site~~ on-site survey by the ~~North Carolina Board of Nursing.~~ Board.
- ~~(d)(e)~~ Approval status shall be determined by the ~~Board of Nursing~~ Board of Nursing using the annual program course report, survey ~~report~~ report, and other data submitted by the program, agencies, or students. The determination shall result in full approval or approval with stipulations.
- ~~(e)(f)~~ If stipulations have not been met as specified by the ~~Board of Nursing, Board,~~ Board of Nursing, Board, a hearing shall be held by the ~~Board of Nursing~~ Board of Nursing regarding program course approval status. A program course may continue to operate while awaiting the hearing before the Board. EXCEPTION: In the case of summary suspension of approval as authorized by G.S. 150B-3(c), the program course must immediately cease operation.
- (1) When a hearing is scheduled, the Board shall cause notice to be served on the program course and shall specify a date for the hearing to be held not less than 20 days from the date on which notice is given.
- (2) If the Board determines from evidence presented at hearing that the program course is complying with all federal and state law including these Rules, the Board shall assign the program course Full Approval status.

- (3) If the ~~Board, following a hearing, finds~~ Board determines from evidence presented at hearing that the ~~program course~~ is not complying with all federal and state law including these Rules, the Board shall withdraw approval.
 - (A) This action constitutes discontinuance of the ~~program; course;~~ and
 - (B) The parent institution shall present a plan to the Board for transfer of students to approved ~~programs~~ courses or fully refund tuition paid by the student. Closure shall take place after the transfer of students to approved ~~programs courses~~ within a time frame established by the Board; and
 - (C) The parent institution shall notify the Board of the arrangements for storage of permanent records.

Authority G.S. 90-171.20(2)(4)(7)d.,e.,g.; 90-171.39; 90-171.40; 90-171.43(4); 90-171.55; 90-171.83; 42 U.S.C.S. 1395i-3 (1987).

21 NCAC 36 .0406 MEDICATION AIDE TRAINING REQUIREMENTS

- (a) Faculty for the medication aide training program are required to:
 - (1) have a ~~current, unrestricted~~ an active, unencumbered license to practice as a registered nurse in North Carolina;
 - (2) have had at least two years of practice experience as a registered nurse that includes medication administration;
 - (3) have successfully completed an instructor training program approved by the Board according to these Rules; and
 - (4) maintain Board ~~of Nursing~~ certification as a medication aide instructor.
- (b) The medication aide instructor certification shall be renewed every two years provided the following requirements are met:
 - (1) the individual has taught at least one medication aide training program within the preceding two years; and
 - (2) the individual ~~successfully completes a review~~ has reviewed program changes approved by the Board ~~according to these Rules, and posted on the Board's website at www.ncbon.com.~~
- (c) The applicant for a medication aide training program approved by the Board must have a high school diploma or ~~GED~~ High School Equivalency.

Authority G.S. 90-171.56; 131E-114.2; 131E-270.

SECTION .0500 - PROFESSIONAL CORPORATIONS

21 NCAC 36 .0502 NAME OF PROFESSIONAL CORPORATION

~~The following requirement, in~~ In addition to the provisions of Chapter 55B, the Professional Corporation Act of North ~~Carolina,~~ must be met regarding the corporate name: Carolina. ~~The~~ the name of the professional corporation ~~referred to herein to~~ provide nursing care and related services, shall not include any adjectives or words not in accordance with ethical customs of the nursing profession.

Authority G.S. 55B-5; 55B-12; 90-171.43.

21 NCAC 36 .0503 PREREQUISITES FOR INCORPORATION

- The following requirements must be met in order to incorporate:
- (1) The incorporator, whether one or more, of a professional corporation shall be licensed to practice nursing in North Carolina as a registered nurse.
 - (2) Before the filing of the articles of incorporation with the Secretary of State, the incorporators shall file, with the Board, the original articles of incorporation, plus a copy, together with a registration fee ~~of fifty dollars (\$50.00).~~ in the maximum allowable amount set forth in G.S. 55B-10.
 - (3) The original articles of incorporation and the copy shall be accompanied by an application to the Board (~~Corp. Form 1~~) certified by all incorporators, setting forth the names, addresses, and certificate numbers of each shareholder of the corporation who will be practicing nursing for the corporation.
 - (4) Included with the above shall be a statement that all such ~~persons~~ individuals are licensed to practice nursing in North Carolina as registered nurses, and stating that the corporation will be conducted in compliance with the Professional Corporation Act and these Rules.
 - (5) If the articles are changed in any manner before being filed with the Secretary of State, they shall be re-submitted to the Board and shall not be filed with the Secretary of State until approved by the Board.

Authority G.S. 55B-4; 55B-10; 55B-12; 90-171.20(6).

21 NCAC 36 .0504 CERTIFICATE OF REGISTRATION

- The Certificate of Registration shall be issued as follows:
- (1) The Board shall issue a Certificate of Registration (~~Corp. Form 2~~) for the professional corporation to become effective only when the professional corporation files the articles of incorporation with the Secretary of State and if:
 - (a) the Board finds that no disciplinary action is pending before the Board against any of the licensed incorporators or ~~persons~~ individuals

(b) who will be directors, officers, or shareholders of such corporation; and it appears to the Board that such corporation will be conducted in compliance with the law and rules.

- (2) The proposed original articles of incorporation, and the Certification of Registration, will be returned to the incorporators for filing with the Secretary of State. A copy of the articles of incorporation and a copy of the Certificate of Registration will be retained in the Board office. If the required findings cannot be made, the registration fee shall be refunded to the incorporators.
- (3) The initial Certificate of Registration shall remain in effect until December ~~31~~, 31 of the year in which it was ~~issued~~ issued, unless suspended or terminated as provided by law. The Certificate of Registration shall be renewed annually thereafter.
- (4) At least 20 days prior to the date of expiration of the ~~certificate~~, Certificate of Registration, the professional corporation shall submit its written application for renewal on a form provided by the ~~Board (Corp. Form 3)~~, Board, along with a ~~check in the amount of twenty five dollars (\$25.00) in payment of the renewal fee. fee in the maximum allowable amount set forth in G.S. 55B-10.~~

Authority G.S. 55B-12; 90-171.20(6); 90-171.23.

21 NCAC 36 .0505 GENERAL AND ADMINISTRATIVE PROVISIONS

The following general provisions shall apply to all incorporating professional corporations:

- (1) If the Board declines to issue a Certificate of Registration required by 21 NCAC 36 ~~.0504~~ ~~(a)(1)~~, .0504, or declines to renew the same when properly requested, or refuses to take any other required action, the aggrieved party may request, in writing, a review of such action by the Board, and the Board shall provide a formal hearing for such aggrieved party before a majority of the Board.
- (2) All amendments to charters of professional corporations, all merger and consolidation agreements to which a professional corporation is a party, and all dissolution proceedings and similar changes in the corporate structure of a professional corporation shall be filed with the Board for approval before being filed with the Secretary of State. A true copy of the changes filed with the Secretary of State shall be filed with the Board within ~~ten~~ 10 days after filing with the Secretary of State.
- (3) The Board is authorized to issue the certificate ~~(Corp. Form 4)~~ required by G.S. 55B-6 when stock is transferred in a professional

corporation, and such certificate shall be permanently attached to the stub of the transferee's certificate in the stock book of the professional corporation.

Authority G.S. 55B-6; 55B-12; 90-171.23.

21 NCAC 36 .0506 FORMS

The following forms ~~may be obtained from the office of the Board of Nursing regarding professional corporations; corporations are posted on the Board's website at www.ncbon.com:~~

- ~~(1) Rules adopted by the North Carolina Board of Nursing relating to Professional Corporations whose purpose is providing nursing related services;~~
- ~~(2)(1) Corp. Form 1— Certificate of Incorporator(s) and Application for a Certificate of Registration for a Professional Corporation;~~
- ~~(3)(2) Corp. Form 2— Certificate of Registration of a Professional Corporation for the Purpose of Providing Nursing Related Services;~~
- ~~(4)(3) Corp. Form 3— Application for Renewal of Certificate of Registration; and~~
- ~~(5)(4) Corp. Form 4— Certificate Authorizing Transfer of Stock in Professional Corporation Organized to Provide Nursing Related Services.~~

Authority G.S. 55B-12; 90-171.23.

21 NCAC 36 .0507 FEES

~~(a) Initial registration fee of fifty dollars (\$50.00) is required.~~
~~(b) Fee for renewal of Certificate of Registration is twenty five dollars (\$25.00).~~
The registration and renewal fees for a professional corporation shall be the maximum allowable amount under G.S. 55B-10 and G.S. 55B-11.

Authority G.S. 55B-10; 55B-11; 55B-12.

SECTION .0600 - ARTICLES OF ORGANIZATION

21 NCAC 36 .0601 NAME OF PROFESSIONAL LIMITED LIABILITY COMPANY

In addition to the provisions of G.S. 57D, the North Carolina Limited Liability Compact Act, The the name of a limited liability company ~~for the purpose of providing to provide~~ nursing and related ~~services~~ services, shall not include any adjectives or other words not in accordance with ethical customs of the nursing profession.

Authority G.S. 55B-10; 57C-2-30; 57D-2-02.

21 NCAC 36 .0602 PREREQUISITES FOR ORGANIZATION

~~(a) Before The organizing members shall submit the following requirements to the Board prior to filing the articles of organization for a limited liability company with the Secretary of State, the organizing members shall submit the following to the Board: organization;~~

(1) a certificate certified by those registered nurse organizing members, setting forth the names, addresses, and license numbers of each individual who will be employed by the professional limited liability company to practice nursing and related services as specified in G.S. 55B-14(c)(2), (4) – (6), and stating that all such individuals are duly licensed to practice nursing in North Carolina, and representing that the company will be conducted in compliance with law and these Rules; and

(1)(2) a registration fee in the maximum allowable amount as set by Rule .0606 of this Section; and forth in G.S. 55D.

(2) a certificate certified by those registered nurse organizing members, setting forth the names, addresses, and license numbers of each person who will be employed by the limited liability company to practice nursing and related services as specified in G.S. 55B14(c)(2), (4) – (6), and stating that all such persons are duly licensed to practice nursing in North Carolina, and representing that the company will be conducted in compliance with law and these Rules.

(b) A certification that each of those organizing members who may provide nursing and related services as specified in G.S. 55B-14(c)(2), (4) - (6) is licensed to practice nursing in North Carolina shall be returned to the professional limited liability company for filing with the Secretary of State.

(c) If the articles are changed in any manner before being filed with the Secretary of State, they shall be re-submitted to the Board and shall not be filed with the Secretary of State until approved by the Board.

Authority G.S. 55B-4; 55B-10; 55B-12; 55B-14; 57C-2-01; 57D-2-01; 57D-2-02; 90-171.23.

21 NCAC 36 .0603 CERTIFICATE OF REGISTRATION

(a) A Certificate of Registration for a Professional Limited Liability Company shall remain effective until December 31 of the year in which it was issued unless suspended or terminated as provided by law.

(b) A Certificate of Registration shall be renewed annually on application forms supplied by the Board. The application shall be accompanied by a renewal the maximum allowable renewal fee as set by Rule .0605 of this Section. forth in G.S. 57D.

Authority G.S. 55B-10; 55B-11; 57C-2-01; 57D-2-01; 57D-2-02; 90-171.23.

21 NCAC 36 .0604 GENERAL AND ADMINISTRATIVE PROVISIONS

The Board shall issue the certificate authorizing transfer of membership when membership is transferred in the company. This transfer form shall be permanently retained by the company. The membership books of the company shall be kept at the

principal office of the company and shall be subject to inspection by authorized agents of the Board.

Authority G.S. 55B-6; 55B-12; 57C-2-01; 57D.

21 NCAC 36 .0605 FEES

(a) The fee for both an initial Certificate of Registration and renewal is fifty dollars (\$50.00). the maximum allowable fee as set forth in G.S. 57D.

(b) The fee for renewal of a Certificate of Registration is twenty-five dollars (\$25.00).

Authority G.S. 55B-10; 55B-11; 57C-2-01; 57D; 90-171.23.

SECTION .0800 - APPROVAL AND PRACTICE PARAMETERS FOR NURSE PRACTITIONERS

21 NCAC 36 .0801 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0802 SCOPE OF PRACTICE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0803 NURSE PRACTITIONER REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0804 PROCESS FOR APPROVAL TO PRACTICE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0805 EDUCATION AND CERTIFICATION REQUIREMENTS FOR REGISTRATION AS A NURSE PRACTITIONER (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0806 ANNUAL RENEWAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0807 CONTINUING EDUCATION (CE) (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0808 INACTIVE STATUS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0809 PRESCRIBING AUTHORITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0810 QUALITY ASSURANCE STANDARDS FOR A COLLABORATIVE PRACTICE AGREEMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0811 METHOD OF IDENTIFICATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 36 .0812 DISCIPLINARY ACTION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

PROPOSED RULES

**21 NCAC 36 .0813 FEES (READOPTION WITHOUT
SUBSTANTIVE CHANGES)**

**21 NCAC 36 .0815 RENEWAL OF A PROVISIONAL
LICENSE (READOPTION WITHOUT SUBSTANTIVE
CHANGES)**

**21 NCAC 36 .0814 PRACTICING DURING A
DISASTER (READOPTION WITHOUT SUBSTANTIVE
CHANGES)**

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on May 17, 2018 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF

<u>Incorporation by Reference</u>	02 NCAC 52L .0101*	32:06 NCR
<u>Definitions</u>	02 NCAC 52L .0102*	32:06 NCR
<u>Farmed Cervid License or Temporary Exhibit</u>	02 NCAC 52L .0103	32:06 NCR
<u>Farm Cervid License</u>	02 NCAC 52L .0104*	32:06 NCR
<u>Denial of Farmed Cervid License</u>	02 NCAC 52L .0105*	32:06 NCR
<u>Temporary Exhibit Permit</u>	02 NCAC 52L .0106*	32:06 NCR
<u>Transfer of Farmed Cervid License or Temporary Exhibit Pe...</u>	02 NCAC 52L .0107*	32:06 NCR
<u>Voluntary Surrender of Farmed Cervid License or Temporary...</u>	02 NCAC 52L .0108	32:06 NCR
<u>Records and Inspection</u>	02 NCAC 52L .0109*	32:06 NCR
<u>Escape, Disappearance, or Breach of Facility</u>	02 NCAC 52L .0110*	32:06 NCR
<u>Reporting CWD Symptoms and Farmed Cervid Death</u>	02 NCAC 52L .0111*	32:06 NCR
<u>Animal Identification</u>	02 NCAC 52L .0112*	32:06 NCR
<u>Transportation Permit</u>	02 NCAC 52L .0113*	32:06 NCR
<u>Enclosure Requirements</u>	02 NCAC 52L .0201*	32:06 NCR
<u>License or Permit Revocation, Forfeiture, and Depopulation</u>	02 NCAC 52L .0301*	32:06 NCR
<u>North Carolina Farmed Cervid Herd Certification Program</u>	02 NCAC 52L .0401*	32:06 NCR
<u>North Carolina Monitored Herd Certification Program</u>	02 NCAC 52L .0402*	32:06 NCR

CHILD CARE COMMISSION

<u>On-Going Requirements for a License</u>	10A NCAC 09 .0304*	G.S. 150B-21.5(3)
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HHS - HEALTH SERVICE REGULATION, DIVISION OF

<u>Certificate Renewal</u>	10A NCAC 14F .1203	32:12 NCR
<u>Staff Requirements and Responsibilities</u>	10A NCAC 14F .1301*	32:12 NCR
<u>Patient Rights</u>	10A NCAC 14F .1401*	32:12 NCR
<u>Exercise Therapy</u>	10A NCAC 14F .1802*	32:12 NCR
<u>Emergency Plan</u>	10A NCAC 14F .1901	32:12 NCR
<u>Emergency Drills</u>	10A NCAC 14F .1903*	32:12 NCR
<u>Physical Environment and Equipment</u>	10A NCAC 14F .2101*	32:12 NCR

ALARM SYSTEMS LICENSING BOARD

<u>Purpose</u>	14B NCAC 17 .0101	32:12 NCR
<u>Location</u>	14B NCAC 17 .0102	32:12 NCR
<u>Definitions</u>	14B NCAC 17 .0103*	32:12 & 32:13 NCR
<u>Disciplinary Actions</u>	14B NCAC 17 .0104*	32:12 NCR
<u>Prohibited Acts</u>	14B NCAC 17 .0105*	32:12 NCR
<u>Determination of Experience</u>	14B NCAC 17 .0106*	32:12 NCR
<u>Rulemaking and Administrative Hearing Procedures</u>	14B NCAC 17 .0107*	32:12 NCR
<u>Consumer Contract and Disclosure Requirements for Alarm S...</u>	14B NCAC 17 .0108*	32:12 NCR

<u>Application for License</u>	14B NCAC 17 .0201*	32:12 NCR
<u>Experience Requirements for a License</u>	14B NCAC 17 .0202*	32:12 NCR
<u>Fees for Licenses</u>	14B NCAC 17 .0203*	32:12 & 32:03 NCR
<u>Renewal or Re-Issue of License</u>	14B NCAC 17 .0204*	32:12 NCR
<u>Identification Cards of Licensees</u>	14B NCAC 17 .0205*	32:12 NCR
<u>Records Inspection</u>	14B NCAC 17 .0206*	32:12 NCR
<u>License Requirements</u>	14B NCAC 17 .0207*	32:12 NCR
<u>Training Requirements for Alarm Licensees</u>	14B NCAC 17 .0208*	32:12 NCR
<u>Company Business License</u>	14B NCAC 17 .0209*	32:12 NCR
<u>Electrical Contracting License Requirements</u>	14B NCAC 17 .0210*	32:12 NCR
<u>Application for Registration</u>	14B NCAC 17 .0301*	32:12 NCR
<u>Fees for Registration</u>	14B NCAC 17 .0302*	32:12 NCR
<u>Minimum Standards for Registration</u>	14B NCAC 17 .0303*	32:12 NCR
<u>Investigation for Registration</u>	14B NCAC 17 .0304*	32:12 NCR
<u>Registration Identification Cards</u>	14B NCAC 17 .0305*	32:12 NCR
<u>Renewal or ReRegistration of Registration</u>	14B NCAC 17 .0306*	32:12 NCR
<u>Suspension of Authority to Expend Funds</u>	14B NCAC 17 .0307	32:12 NCR
<u>Definitions</u>	14B NCAC 17 .0401*	32:12 NCR
<u>Definitions</u>	14B NCAC 17 .0501*	32:12 NCR
<u>Required Continuing Education Hours</u>	14B NCAC 17 .0502*	32:12 NCR
<u>Accreditation Standards</u>	14B NCAC 17 .0503*	32:12 NCR
<u>Non-Resident Licensee or Registrant Continuing Education ...</u>	14B NCAC 17 .0504*	32:12 NCR
<u>Recording and Reporting Continuing Education Credits</u>	14B NCAC 17 .0505*	32:12 NCR
<u>Non-Compliance</u>	14B NCAC 17 .0506*	32:12 NCR

TITLE 02 - DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

02 NCAC 52L .0101 INCORPORATION BY REFERENCE

(a) For the purpose of the rules in this Subchapter, the following regulations and standards are hereby incorporated by reference including any subsequent amendments and editions:

- (1) 9 C.F.R. Part 55;
- (2) 9 C.F.R. Part 81;
- (3) 9 C.F.R. Part 86; and
- (4) The United States Department of Agriculture's Chronic Wasting Disease Program Standards (May 2014).

(b) The regulations and standards incorporated by reference in Paragraph (a) of this Rule are available free of cost at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR> and https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/sa_alternate_livestock/sa_cervid_health/sa_cwd/ct_cervid_health_program.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0102 DEFINITIONS

(a) The definitions in the regulations and standards set forth in 02 NCAC 52L .0101 shall apply to such terms when used in this Subchapter, to the extent that they do not conflict with G.S. 106-549.97(a)(1) or Paragraph (b) of this Rule.

(b) The following definitions apply to this Subchapter:

- (1) "APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.
- (2) "Carcass" means the head, the whole animal, or tissue sample extracted in accordance with the USDA Standards, 9 C.F.R. 55.8 and 9 C.F.R. 55.23(b).
- (3) "Certified Herd" means any herd that has reached Certified status under an Approved State Chronic Wasting Disease Herd Certification Program as determined by the USDA in accordance with 9 C.F.R. 55.23(a) and 9 C.F.R. 55.24(a).
- (4) "CWD Testing" means official Chronic Wasting Disease ("CWD") testing in accordance with the USDA Standards, (6.2) Official CWD Test, and 9 C.F.R. 55.8.
- (5) "Diagnostic Laboratory" means the North Carolina Department of Agriculture and Consumer Services Veterinary Diagnostic Laboratory System.

- (6) "Facility" means a facility for farmed cervids.
 - (7) "Fawns" or "Calves" means cervids under one year of age.
 - (8) "Herd Certification Program" means the North Carolina Farmed Cervid Herd Certification Program.
 - (9) "ICVI" means interstate certificate of veterinary inspection.
 - (10) "Licensed Facility" means any facility associated with a farmed cervid license.
 - (11) "Licensee" means a person issued a farmed cervid license in accordance with the rules of this Subchapter and includes designees named by the licensee.
 - (12) "Monitored Herd" means any herd that has reached Certified status under the North Carolina Monitored Herd Certification Program for CWD non-susceptible species in accordance with 02 NCAC 52L .0402.
 - (13) "Officially Identified" means the attachment of a tamper-resistant ear tag approved for use by the Veterinary Division on a farmed cervid.
 - (14) "State" means the State of North Carolina.
 - (15) "Temporary Exhibit" means a public display of farmed cervids including animal acts, educational displays, carnivals, circuses, parades, shopping center displays, and zoos, whether operated for profit or not.
 - (16) "Veterinary Division" means the Veterinary Division of the North Carolina Department of Agriculture and Consumer Services.
- (C) The applicant's contact information, including telephone numbers and email addresses;
 - (D) The farm's name;
 - (E) The farm's address;
 - (F) The farm's contact information, including telephone numbers and email addresses;
 - (G) A statement of whether the farm is commercial, defined as a farmed cervid facility that is or will be selling deer or deer products as a for-profit business, or private, defined as non-commercial;
 - (H) a statement from the applicant verifying the information provided is accurate;
 - (I) The national premises identification number; and
 - (J) The applicant's signature.
- (2) Both licensees and persons interested in obtaining a farmed cervid license shall comply with 02 NCAC 52L .0401(c)(1) and 02 NCAC 52L .0402(d)(1) by enrolling herds in either the Herd Certification Program or the Monitored Herd Certification Program or both.

(b) Terms of License and Inventory Report.

- (1) A farmed cervid license shall be valid from July 1 through June 30 for the year in which it was issued. If the new license is approved after July 1, it shall take effect on the date of issue.
- (2) Licensees may apply for renewal each year during the renewal period of January 1 through March 31. If March 31 falls on a weekend or holiday, then the renewals must be received by the Veterinary Division or postmarked by the next business day. The contents of the renewal application shall include:
 - (A) The licensee's name, address, and contact information, including telephone numbers and email addresses;
 - (B) The farm name, address, and contact information, including telephone numbers and email addresses;
 - (C) a statement from the licensee verifying the information provided is accurate; and
 - (D) The licensee's signature.
- (3) Licensees shall submit a written inventory report in spreadsheet form with their license renewal. The inventory report shall include the:
 - (A) licensee's name, mailing address, telephone number, and email address;
 - (B) licensed facility name, address, and national premises identification number;
 - (C) farmed cervid license number;

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0103 FARMED CERVID LICENSE OR TEMPORARY EXHIBIT PERMIT REQUIRED

No person shall possess, exhibit, buy or sell, or partake in the production of any farmed cervid within the State unless that person first obtains a farmed cervid license or a temporary exhibit permit from the Veterinary Division in accordance with the rules in this Subchapter.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0104 FARMED CERVID LICENSE

(a) Farmed Cervid License.

- (1) Persons interested in obtaining a farmed cervid license shall apply with the Veterinary Division. The application may be obtained from the Veterinary Division by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov. The contents of the application shall include the following:
 - (A) The applicant's name;
 - (B) The applicant's address;

- (D) species, sex, and birth year of each farmed cervid;
- (E) animal identification numbers for each farmed cervid; and
- (F) date of disposition or death of any farmed cervid.

(4) The inventory report shall be accompanied by a statement from the licensee verifying the information provided is accurate.

(c) **Renewal of Farmed Cervid License.**

- (1) Existing farmed cervid licenses shall be renewed as long as the applicant for renewal continues to meet the licensing requirements of this Subchapter.
- (2) A person whose license has lapsed shall not be eligible for renewal, but may apply for a new license.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0105 DENIAL OF FARMED CERVID LICENSE

(a) Circumstances or purposes for which a farmed cervid license shall not be issued or renewed include the following:

- (1) failing to submit a complete application or renewal;
- (2) submitting falsified information;
- (3) for the purpose of holding non-farmed cervids or farmed cervids that were transported without a valid transportation permit;
- (4) for the purpose of rehabilitating non-farmed cervids;
- (5) for the purpose of commingling farmed and non-farmed cervids;
- (6) keeping any farmed cervid for reasons other than agricultural or commercial purposes, such as buying, selling, and production of farmed cervids, or for scientific, exhibition, and educational purposes;
- (7) to an individual under the age of 18 years of age;
- (8) failing to have herds enrolled in either or both the Herd Certification Program or the Monitored Herd Certification Program with the Veterinary Division; or
- (9) the applicant has violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, in his or her experience, based upon the nature of the violation, the applicant may not comply with the requirements of the farmed cervid license.

(b) Any person whose farmed cervid license or permit has been revoked or suspended shall not be licensed within the period during which the order of revocation or suspension remains in effect.

(c) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has been revoked

or suspended and who was responsible for, participated in, or worked for that person during the violation upon which the order of revocation or suspension was based, shall not be licensed for facilities owned by his or her employer or facilities in which he or she worked for at the time of the revocation or suspension within the period during which the order of revocation or suspension remains in effect.

(d) The Department shall not issue a farmed cervid license until a person has:

- (1) constructed or acquired a facility for keeping farmed cervids that complies with 02 NCAC 52L .0201; and
- (2) had the facility inspected and verified by the Veterinary Division.

(e) No farmed cervid license shall be issued to any person in possession of rehabilitative or non-farmed cervid.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0106 TEMPORARY EXHIBIT PERMIT

(a) Temporary exhibit permits shall not be issued for the buying, selling, or production of farmed cervids.

(b) A temporary exhibit permit shall only be issued for Reindeer or Caribou.

(c) Temporary exhibit permit applications shall be submitted to the Veterinary Division. The application may be obtained from the Veterinary Division by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov. The contents of the application shall include the following:

- (1) The applicant's name;
- (2) The applicant's address;
- (3) The applicant's contact information, including telephone numbers and email addresses;
- (4) The farm's name;
- (5) The farm's address;
- (6) The farm's contact information, including telephone numbers;
- (7) The date(s) of the exhibit;
- (8) The date of exhibit inspection by the Veterinary Division, unless an exhibit facility plan was previously approved and includes the date of facility plan approval and approval number;
- (9) The purpose of the exhibit;
- (10) The location of the exhibit, including the county;
- (11) The species to be exhibited;
- (12) The sex, date of birth, species, and identification number(s) for each cervid to be exhibited;
- (13) A statement from the applicant verifying the information provided is accurate; and
- (14) The applicant's signature.

(d) Temporary exhibit permits are only valid for the dates and locations specified. Applicants shall apply to the Veterinary Division:

- (1) five business days prior to the date of exhibit if the exhibitor previously submitted a detailed

exhibit facility plan that has been pre-approved by the Veterinary Division. The detailed exhibit facility plan shall include descriptions of how the animals will be contained, the type of fencing or containment utilized, whether the public will be able to touch the animals, whether the animals will move from a containment area to a parade, and whether if any physical restraints will be utilized, and includes photographs or sketches of the display and the display area; or

- (2) 60 days prior to the date of exhibit.
- (e) The Veterinary Division shall only issue temporary exhibit permits when the temporary exhibit area is inspected by the Veterinary Division and meets the following criteria:
 - (1) all farmed cervids to be exhibited are from a certified herd and officially identified in accordance with 02 NCAC 52L .0112 and 9 C.F.R. 55.25;
 - (2) the temporary exhibit enclosure, with the exception for farmed cervids exhibited during parades, shall:
 - (A) be an area of at least 10 feet by 10 feet;
 - (B) have fencing at least eight feet in height with a ground clearance of no greater than three inches and sufficient in strength and stability to prevent escape, unless the animals are restrained to prevent escape;
 - (C) have an enclosure large enough to ensure each animal has sufficient room, based on the size and species of the animal, to stand erect and lie naturally; and
 - (D) have no exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within the enclosure;
 - (3) farmed cervids exhibited shall be secured so that no farmed cervids may escape; and
 - (4) the temporary exhibit complies with Aedin's Law, G.S. 106-520.3A, and 02 NCAC 52K when those laws and rules apply.
- (f) All permit holders shall report any cervid escape, entry, or death within 24 hours of discovery to the Veterinary Division in accordance with 02 NCAC 52L .0110.
- (g) Circumstances or purposes for which a temporary exhibit permit shall not be issued include:
 - (1) failing to submit a complete application;
 - (2) submitting a falsified application;
 - (3) for the purpose of holding non-farmed cervids or farmed cervids that have been transported without a transportation permit;
 - (4) for the purpose of rehabilitating non-farmed cervids;
 - (5) for the purpose of commingling farmed and non-farmed cervids; and
 - (6) to an individual under the age of 18 years of age.

(h) Any person whose farmed cervid license or temporary exhibit permit has been revoked or suspended shall not be issued a temporary exhibit permit within the period during which the order of revocation or suspension remains in effect.

(i) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has been revoked or suspended and who is responsible for, participated in, or worked for that person during the violation upon which the order of revocation or suspension was based, shall not be issued a permit for exhibits owned by his or her employer or exhibits in which he or she worked for at the time of the revocation or suspension within the period during which the order of revocation or suspension remains in effect.

(j) No temporary exhibit permit shall be issued to any person in possession of rehabilitative or non-farmed cervid.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0107 TRANSFER OF FARMED CERVID LICENSE OR TEMPORARY EXHIBIT PERMIT

(a) No farmed cervid license, permit, or animal identification issued or assigned by the Veterinary Division shall be transferable, except as provided by this Rule.

(b) If a farmed cervid licensee or temporary exhibit permit holder becomes incapacitated, mentally incompetent, dies, or if the business is sold or otherwise acquired, a person who is at least 18 years of age and has obtained legal possession of any farmed cervid and the licensed facility from the previous licensee, or that licensee's estate, may request the Veterinary Division in writing, prior to the transfer, that the existing farmed cervid license, permit, and animal identification be transferred to the new owner.

(c) Any license, permit, or animal identification transferred under this Rule shall be subject to the same terms and conditions imposed on the original licensee or permit holder.

(d) Any actions pending from a complaint, investigation, or other cause may be continued notwithstanding any transfer under this Rule.

(e) No farmed cervid license, permit, or animal identification shall be transferred to a person who had a farmed cervid license or permit revoked or suspended by the Veterinary Division within the period during which the order of revocation or suspension remains in effect.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0108 VOLUNTARY SURRENDER OF FARMED CERVID LICENSE OR TEMPORARY EXHIBIT PERMIT

Farm cervid licensees or temporary exhibit permit holders may voluntarily surrender any license or permit issued under this Subchapter by notifying the Veterinary Division in writing.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0109 RECORDS AND INSPECTION

(a) Maintenance of Records.

- (1) Each licensee shall maintain herd records for all farmed cervids, regardless of whether tagged with animal identification or not, as required by the USDA Standards and 9 C.F.R. 55.23(b), and maintain a copy of any documents related to farmed cervids submitted to the CWD Diagnostic Laboratory.
- (2) All records required by this Subchapter and any ICVI as defined and required by 9 C.F.R. Part 86 shall be maintained by the licensee for a period of five years.

(b) Inspection of Records. The licensee shall make all records required under this Subchapter available for inspection and copying by the Veterinary Division.

(c) Inspection and Inventory of Licensed Facility and Exhibit. The licensee shall make all enclosures, exhibits, and any farmed cervid available for inspection by the Veterinary Division under conditions where all identification on the animals may be safely read by the inspector. The licensee shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests with the licensee.

(d) Fence Monitoring Requirement. The fence surrounding the enclosure shall be monitored weekly for structural soundness and stability by the licensee to prevent ingress and egress of any cervid.

(e) Maintenance.

- (1) Any opening or passage resulting from damage or deterioration to the perimeter fence shall be sealed by the licensee within 24 hours upon detection or the animals secured until the fence is repaired to prevent any farmed cervid escape.
- (2) Any damage to the enclosure fence that threatens its stability shall be repaired by the licensee within seven calendar days of detection, or within 24 hours if there is an imminent threat of farmed cervid escape.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0110 ESCAPE, DISAPPEARANCE, OR BREACH OF FACILITY

(a) When a licensee discovers the escape or disappearance of any farmed cervid, the licensee shall report the escape or disappearance within 24 hours by contacting the Veterinary Division by telephone at (919) 707-3250 or email at farmedcervid@ncagr.gov.

- (1) The report shall include the identification numbers, species, sex, and age of the animals involved and the estimated time and date of escape or disappearance, and if deceased, the estimated time and date of death.
- (2) A recaptured live farmed cervid shall be held in quarantine by itself or with other escapees by the licensee until the Veterinary Division determines the disposition of the farmed cervid, based on the risk of CWD transmission as a result of this escape. Failure to quarantine the

escaped farmed cervid to prevent commingling with the herd shall result in the quarantine of the entire herd.

- (3) The licensee shall be responsible for all costs associated with CWD testing and disposal of any escaped animal.
- (4) If live recapture is not possible, the licensee shall harvest the escaped cervid and submit the deceased cervid to the Diagnostic Laboratory for CWD testing.

(b) When a licensee discovers the entry of any non-farmed cervid into the licensed facility, the licensee shall:

- (1) Report the entry within 24 hours by contacting the Veterinary Division by telephone or email for further action or disposition of the non-farmed cervid;
- (2) Obtain a wildlife depredation permit from the North Carolina Wildlife Resources Commission. Contact information can be found at <http://www.ncwildlife.org/Licensing/Regulations/Nongame-and-Other-Regulations/Wildlife-Depredation#5836327-wildlife-taken-with-a-depredation-permit>;
- (3) Take the non-farmed cervid in accordance with the wildlife depredation permit; and
- (4) Submit the non-farmed cervid for CWD testing.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0111 REPORTING CWD SYMPTOMS AND FARMED CERVID DEATH

(a) Each licensee shall notify the Veterinary Division by telephone upon discovery if any farmed cervid exhibits clinical symptoms of CWD, including loss of body condition, behavioral changes, excessive salivation, increased drinking and urination, depression, and eventual death. The Veterinary Division's telephone number is (919) 707-3250.

(b) Farmed cervids that exhibit clinical symptoms of CWD shall not be transported unless directed by the Veterinary Division.

(c) Licensees shall report to the Veterinary Division using a form provided by the Veterinary Division within 24 hours upon knowledge of the death of any farmed cervid, including any slaughtered farmed cervid, whether sent to a slaughterhouse or slaughtered at the farm cervid facility for personal use. The report form can be obtained by contacting the Veterinary Division by telephone or email at farmedcervid@ncagr.gov. The report shall include the following information:

- (1) the licensee's name, mailing address, telephone number, and email address;
- (2) the licensee's facility name, address, and national premises identification number;
- (3) the farmed cervid license number;
- (4) the date of death;
- (5) the species and sex of each farmed cervid;
- (6) the animal identification for each farmed cervid;

- (7) the name and location of the Diagnostic Laboratory where the carcass of the farmed cervid is to be submitted for CWD testing; and
 - (8) a statement from the licensee verifying the information provided is accurate.
- (d) The carcass of any farmed cervid that was 12 months of age or older that died of any cause shall be submitted by the licensee to the Diagnostic Laboratory for CWD testing unless instructed otherwise by the Veterinary Division due to the condition of the carcass.
- (e) Regardless of age, the carcass of all farmed cervids that exhibited clinical symptoms of CWD shall be submitted to the Diagnostic Laboratory for CWD testing unless instructed otherwise by the Veterinary Division due to the condition of the carcass.
- (f) In cases where animals escape or disappear and are not available for tissue sampling and testing, or when the samples are of such poor quality, as determined in accordance with the USDA Standards, including (5.6) Sample Collection: Owner Responsibility, (5.7) Sample Collection and Submission Procedures, (5.9) Quality Control, (5.10) Consequences of Poor Quality and Missing Samples, (6.4) Test Results, and (6.5) Autolyzed Samples, that they cannot be tested for CWD, the Veterinary Division may investigate, in cases of repeated unavailability of tissue sampling and testing, whether the unavailability of animals or usable samples for testing constitutes a failure to comply with program requirements and may affect the herd's status in the Herd Certification Program and the Monitored Herd Certification Program.
- (g) The Veterinary Division may require CWD testing or quarantine, or both, at any facility if the following circumstances or conditions occur:
- (1) any herd or animal tested positive for CWD within the facility;
 - (2) the facility received farmed cervid from a facility that tested positive for CWD within five years;
 - (3) the facility may have been exposed to any CWD positive or suspect farmed cervid; or
 - (4) the facility transferred any farmed cervid that tests positive for CWD within five years of transfer.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0112 ANIMAL IDENTIFICATION

- (a) Animal Identification Required.
- (1) Licensees shall identify all farmed cervids with two forms of animal identification in accordance with the USDA Standards and 9 C.F.R. 55.25.
 - (2) As one form of animal identification, licensees shall use USDA official tamper-resistant ear tags approved for use by the Veterinary Division. The ear tags shall be affixed upon one ear of the farmed cervid by itself. Licensees shall inform the Veterinary Division the type of

- (3) the second form of animal identification before affixing upon the farmed cervid.
 - (3) Farmed cervids born within a licensed facility shall be officially identified on or before 12 months of age. Fawns and calves shall be deemed a year old for purposes of the rules in this Subchapter and shall be officially identified by the first July 1 following their birth, unless the farmed cervid licensee maintains a record of the month and year the calf or fawn was born.
 - (4) All farmed cervids, regardless of age, shall be officially identified before being transported.
 - (5) All farmed cervids shall be identified and included in the inventory report and records as required by 02 NCAC 52L .0104(b) and 02 NCAC 52L .0109(a).
- (b) Application for Animal Identification Tags.
- (1) Applicants may request animal identification tags from the Veterinary Division using a form provided by the Veterinary Division, which can be obtained by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov, by providing the following information:
 - (A) the applicant's name, mailing address, telephone number, and email address;
 - (B) the licensed facility name, address, and national premises identification number;
 - (C) the farmed cervid license number; and
 - (D) the species, sex, and birth year of the farmed cervids.
 - (2) The application shall be accompanied by a statement from the licensee verifying that the information provided is accurate.
 - (3) The Veterinary Division may provide animal identification tags, based on availability of supplies, upon receipt of the completed application.
- (c) Replacement of Animal Identification Tags.
- (1) Lost Tags. The loss of a tag shall be reported to the Veterinary Division by the licensee.
 - (2) Unusable Tags. Tags that cannot be affixed to the ear of a farmed cervid or unreadable because of malformation or damage to the tags shall be reported to the Veterinary Division by the licensee.
 - (3) Licensees may request replacement tags using the same form as provided pursuant to Paragraph (b) of this Rule and shall include the information required by Paragraph (b) of this Rule. The Department may provide replacement tags, based on availability of supplies, upon receipt of the application.
 - (4) Licensees shall update their records to reflect any replacement of tags and notify the Veterinary Division of the update when submitting records during the license renewal period.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0113 TRANSPORTATION PERMIT

(a) No person shall transport any farmed cervid within the State unless that person first obtains a transportation permit from the Veterinary Division.

(b) A transportation permit shall only be issued by the Veterinary Division to an applicant to transport farmed cervids:

- (1) from a Certified Herd;
- (2) from a herd enrolled in the Monitored Herd Certification Program;
- (3) to and from a veterinary medical facility for medical diagnosis or treatment;
- (4) to a slaughterhouse for slaughter;
- (5) for export out of North Carolina, subject to 9 C.F.R. 81.3; and
- (6) for import into North Carolina, subject to 02 NCAC 52B .0213.

(c) All transportation permit applications shall be submitted to the Veterinary Division using a form provided by the Veterinary Division, which can be obtained by calling (919) 707-3250 or emailing farmedcervid@ncagr.gov, except for transportation for emergency veterinary treatment purposes in accordance with Paragraph (h) of this Rule, and shall include the following information:

- (1) the applicant's name, mailing address, telephone number, and email address;
- (2) the licensed facility or out-of-state facility name, address, and national premises identification number;
- (3) the farmed cervid license number or out-of-state CWD Herd Certification Program identification number;
- (4) the species and sex of each farmed cervid;
- (5) the animal identification for each farmed cervid;
- (6) the destination name, address, telephone number, and email address; and
- (7) the reason for the movement.

(d) Transportation permit applications shall include the following information when applicable:

- (1) for any farmed cervid to be moved for slaughter, the name and location of the Diagnostic Laboratory where the carcass of the farmed cervid is to be submitted for CWD testing;
- (2) for transporting farmed cervids to an exhibit, the exhibit permit number;
- (3) for importing farmed cervid into the State, a copy of the ICVI as required by 9 C.F.R. Part 86; and
- (4) for importing into the State any CWD susceptible farmed cervid, as identified by the Veterinary Division or the USDA, a copy of the negative antemortem CWD test result using a method approved by the USDA.

(e) The transportation permit application shall be accompanied by a statement from the applicant verifying that the information provided is accurate.

(f) No CWD susceptible farmed cervids shall be exported out of State unless the animals have reached Certified status.

(g) Transportation permits shall be valid for 30 calendar days unless otherwise stated on the permit.

(h) Emergency Veterinary Treatment. An applicant seeking to transport any farmed cervid for veterinary treatment shall first contact the Veterinary Division by telephone or email to seek authorization. The telephone number is (919) 707-3250 and email address is farmedcervid@ncagr.gov. At the time of the request, the applicant shall provide to the Veterinary Division information listed under Paragraph (c) of this Rule.

(i) No approval shall be issued for transportation of a farmed cervid to a veterinary medical facility out-of-state.

(j) Any verbal authorization from the Veterinary Division shall only allow transportation of the farmed cervid to the specified veterinary medical facility and directly back to the licensed facility, and shall not be construed to permit intervening destinations.

(k) Licensees shall notify the Veterinary Division in writing, including the identification numbers of any farmed cervid not transported in accordance with the transportation permit, within seven calendar days after the expiration of the permit.

(l) Any person transporting any farmed cervid shall present the transportation permit to any law enforcement officer or any representative of the Department upon request, except that a person transporting a farmed cervid by verbal authorization for emergency veterinary treatment shall provide the Veterinary Division's telephone number that the person contacted.

(m) The licensee shall be responsible for securing all farmed cervids during transport so as to prevent escape.

History Note: Authority G.S. 106-307.5; 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0201 ENCLOSURE REQUIREMENTS

(a) The enclosure size for any farmed cervid, including any fawn or calf, shall be at least half of one acre.

(b) Pen density requirements shall be as follows:

- (1) three or less animals, excluding fawns or calves, for the first half of one acre;
- (2) each additional animal, excluding fawns or calves, requires an additional one fourth acre until the enclosure reaches two acres; and
- (3) a facility larger than two acres may have more than nine animals, provided animal husbandry practices are utilized to prevent dietary, environmental, behavioral, or other stresses.

(c) Bodies of water and impassible areas shall not be counted towards the minimum enclosure size or the area for pen density.

(d) The enclosure shall be surrounded by a fence:

- (1) of sufficient strength and design to prevent ingress or egress of both farmed and non-farmed cervids under any circumstances;
- (2) be at least eight feet high; and
- (3) have a ground clearance of no greater than three inches.

(e) Farmed cervids shall not be contained within or be allowed to enter a place of residence, except for fawns or calves on a temporary basis in the course of emergency veterinary treatment in accordance with guidance from a licensed veterinarian. Licensees shall be responsible for securing all farmed cervids so as to prevent escape during transport or at the residence.

(f) No exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within the enclosure.

(g) If a person intends to maintain two or more separate herds, that person shall maintain separate herd inventories, records, working facilities, water sources, equipment, and land use. There shall be a buffer zone of at least 30 feet between the perimeter fencing around separate herds, and no commingling of animals shall occur. Movement of animals between herds shall be recorded as if they were separately owned herds.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

**02 NCAC 52L .0301 LICENSE OR PERMIT
REVOCATION, FORFEITURE, AND DEPOPULATION**

(a) The Veterinary Division may take one or more of the following actions based on the nature of the violation against any person for failure to comply with the requirements of G.S. 106-549.97, 9 C.F.R. Part 55, 9 C.F.R. Part 81, the USDA Standards, or this Subchapter:

- (1) issue warnings;
- (2) revoke any license or permit issued under this Subchapter;
- (3) cancel the enrollment in the Herd Certification Program or the Monitored Herd Certification Program; or
- (4) reduce the status of a herd in accordance with 02 NCAC 52L .0401(g).

(b) In addition to Paragraph (a) of this Rule, the Veterinary Division may direct the disposition of any farmed cervid in possession by a person without a valid farmed cervid license or permit in accordance with Paragraph (e) of this Rule and may order any farmed cervid brought into this State illegally be quarantined, tested for CWD, or terminated, or any combination thereof.

(c) Violations of this Subchapter include the following circumstances or conditions:

- (1) providing inaccurate or false information to the Veterinary Division;
- (2) failing to comply with animal identification requirements;
- (3) failing to comply with facility enclosure and maintenance requirements;
- (4) failing to comply with monitoring or record-keeping requirements;
- (5) failing to allow the Veterinary Division to inspect any facility, farmed cervid, or record;
- (6) failing to report the death, escape, or disappearance, of any farmed cervid; or
- (7) failing to submit deceased farmed cervid for CWD testing.

(d) The Veterinary Division may revoke a farmed cervid license or temporary exhibit permit, or both, under any of the following circumstances or conditions:

- (1) The farmed cervid licensee or temporary exhibit permit holder fails to report symptoms of chronic wasting disease in a farmed cervid to the Veterinary Division as required by 02 NCAC 52L .0111;
- (2) The farmed cervid licensee or temporary exhibit permit holder fails to transport and submit a farmed cervid carcass to a Diagnostic Laboratory for CWD testing as required by 02 NCAC 52L .0111; or
- (3) The farmed cervid licensee or temporary exhibit permit holder has transported any farmed cervid without a permit in accordance with 02 NCAC 52L .0113.

(e) Disposition of Farmed Cervid.

- (1) In the event of decommissioning a facility, all farmed cervids shall be disposed of by the owner in one or more of the following manners:
 - (A) sell or otherwise transfer ownership and possession of any farmed cervid;
 - (B) export out of state any farmed cervid; or
 - (C) terminate any remaining farmed cervid.
- (2) In the event the Veterinary Division directed the disposition of any farmed cervid and the owner refuses to comply, the Veterinary Division may terminate the farmed cervid, with costs to be paid by the owner.
- (3) The release of any farmed cervid to the wild by any person without authorization by the Veterinary Division shall be prohibited.

(f) Disposal of Dead Farmed Cervids.

- (1) Licensees shall be responsible for the disposal of any dead farmed cervid carcass in accordance with applicable laws and regulations and the costs associated with disposal.
- (2) The carcass of farmed cervids that have been designated by the Department as CWD-positive, exposed, or suspect shall be disposed of in accordance with the USDA Standards, (4.1) Suitable Disposal Methods, and using one of options provided under USDA Standards, Appendix V: Carcass Disposal of CWD-Positive Animals or Animals of Unknown Status.
- (3) The carcass of farmed cervids that have not been designated by the Department as CWD-positive, exposed, or suspect may be disposed of in accordance with 02 NCAC 52C .0102.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0401 NORTH CAROLINA FARMED CERVID HERD CERTIFICATION PROGRAM

(a) Scope. This Rule shall only apply to CWD-susceptible farmed cervids.

(b) Enrollment Qualifications.

- (1) Only applicants that have a valid farmed cervid license or have applied for one shall be eligible to have herds enrolled in the Herd Certification Program.
- (2) Applicants shall comply with all farmed cervid license requirements and rules in this Subchapter in order to have herds enrolled and remain in the Herd Certification Program.

(c) Enrollment Application.

- (1) Persons who possess any CWD-susceptible farmed cervid in the State shall apply with the Veterinary Division to have herds enrolled in the Herd Certification Program, if not already enrolled.
- (2) The Veterinary Division shall determine the herd's enrollment eligibility and compliance with all farmed cervid license rules, and may request additional information regarding the herd animals and operations, such as laboratory reports, movement permits, animal species, and slaughter records to verify the origination of the animals and their status.
- (3) The Veterinary Division shall deny enrollment if:
 - (A) the applicant submits an incomplete farmed cervid license application;
 - (B) the applicant has provided false information;
 - (C) the applicant fails to provide additional information requested by the Veterinary Division;
 - (D) the applicant previously violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, based on his or her experience, that the nature of the violation indicates that the applicant may not comply with the requirements of the Herd Certification Program;
 - (E) the herd to be enrolled has been designated as CWD-positive, exposed, or suspect by the Veterinary Division or by an APHIS employee, and has not yet entered into a valid herd plan;
 - (F) any pending or outstanding citation exists against the applicant;
 - (G) the applicant has failed to comply with any farmed cervid license requirement; or
 - (H) the applicant refuses inspection by the Veterinary Division in accordance with Paragraph (i) of this Rule.

(4) Upon determining that a herd is eligible to participate in the Herd Certification Program in accordance with Paragraphs (b) and (c) of this Rule, the Veterinary Division shall send the applicant a notice of enrollment of the herd's enrollment date.

(d) Enrollment Dates. The enrollment date for a herd that joins the North Carolina Herd Certification Program after August 13, 2012, shall be the date the herd is approved for participation upon inspection except:

- (1) For new herds that were formed from and contain only animals from herds enrolled in an Approved State CWD Herd Certification Program, the enrollment date shall be the latest enrollment date for any source herd for the animals;
- (2) The first day that the herd participated in any state program that APHIS at a later date determines qualifies as an Approved State CWD Herd Certification Program;
- (3) If the herd was enrolled in the Monitored Herd Certification Program, then the enrollment date shall be the same as the Monitored Herd Certification Program enrollment date, subject to 9 C.F.R. 55.22(b)(1)(i); or
- (4) Any other exception provided under 9 C.F.R. 55.22(b).

(e) Initial and Subsequent Herd Status.

- (1) When a herd is first enrolled in the Herd Certification Program, it shall be placed in the First Year status, unless the herd is composed only of animals:
 - (A) obtained from herds already enrolled in the Herd Certification Program, the newly enrolled herd shall have the same status as the lowest status of any herd that provided animals for the new herd; or
 - (B) enrolled in the Monitored Herd Certification Program, the newly enrolled herd shall have its status transferred, subject to 9 C.F.R. 55.22(b)(1)(i).
- (2) If the herd continues to meet the requirements of this Subchapter, each year, on the anniversary of the enrollment date, the herd status shall be upgraded by one year as follows:
 - (A) First Year – starts on enrollment date of the herd in the CWD Herd Certification Program.
 - (B) Second Year – starts on the anniversary date of the First Year.
 - (C) Third Year – starts on the anniversary date of the Second Year.
 - (D) Fourth Year – starts on the anniversary date of the Third Year.
 - (E) Fifth Year – starts on the anniversary date of the Fourth Year.

- (3) One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the program, provided its status is not lost or suspended.

(f) Loss or Suspension of Herd Status.

- (1) If the Veterinary Division determines that animals from a herd enrolled in the Herd Certification Program have commingled with animals from a herd with a lower program status, including CWD non-susceptible farmed cervids, the herd with the higher program status shall be reduced to the status of the herd with which its animals commingled.
- (2) If a herd is designated a CWD-positive herd or a CWD-exposed herd by the Veterinary Division, it shall upon designation lose its program status and may only reenroll after entering into a herd plan.
- (3) If a herd is designated a CWD-suspect herd, a trace back herd, or a trace forward herd by the Veterinary Division, it shall upon designation be placed in Suspended status pending an epidemiologic investigation by the Veterinary Division in accordance with the USDA Standards. If the epidemiologic investigation:
 - (A) determines that the herd was not commingled with a CWD-positive animal, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level;
 - (B) determines that the herd was commingled with a CWD-positive animal, the herd shall lose its program status and shall be designated a CWD-exposed herd;
 - (C) is unable to make a determination regarding the exposure of the herd, because the necessary animal or animals are no longer available for testing (i.e., a trace animal from a known positive herd died and was not tested) or for other reasons, the herd status shall continue as Suspended until a herd plan is developed for the herd in accordance with its definition under 9 C.F.R. 55.1 and the USDA Standards, Part B. Guidance on Responding to CWD Affected Herds. If a herd plan is developed and implemented, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level. If the epidemiological investigation finds that the licensee of the herd has not

complied with the rules of this Subchapter for animal identification, animal testing, and recordkeeping, the herd shall be reinstated into the Herd Certification Program at the First Year status level, with a new enrollment date set at the date the herd entered into Suspended status. Any herd reinstated after being placed in Suspended status shall then comply with the requirements of the herd plan as well as the requirements of the Herd Certification Program. The herd plan shall require testing of all animals that die in the herd for any reason, regardless of the age of the animal; whenever it is required by federal law, may require movement restrictions for animals in the herd based on epidemiologic evidence regarding the risk posed by the animals in question; and whenever it is required by federal law, may include other requirements found necessary to control the risk of spreading CWD.

(g) Cancellation of Enrollment and Reduction of Herd Status.

- (1) A licensee may cancel participation of any herd in the Herd Certification Program by surrendering the licensee's farmed cervid license in accordance with 02 NCAC 52L .0108 and by decommissioning the facility in accordance with 02 NCAC 52L .0301(e)(1).
- (2) The Veterinary Division may cancel the enrollment or reduce the herd status of an enrolled herd after determining that the licensee failed to comply with any rule of this Subchapter, by giving written notice to the licensee of the reasons for the cancellation or reduction in status.
- (3) To appeal the designation of an animal as CWD-positive, cancellation of enrollment of a herd, or loss or suspension of herd status, the procedures set forth under 9 CFR 55.24(c) shall govern.

(h) Adding Animals to Existing Herd.

- (1) A herd may add animals from herds with the same or a higher herd status with no negative impact on the certification status of the receiving herd.
- (2) If animals are acquired from a herd with a lower herd status, including CWD non-susceptible species, the receiving herd shall revert to the program status of the sending herd.
- (3) If a herd participating in the Herd Certification Program acquires animals from a nonparticipating herd, the receiving herd shall revert to First Year status with a new enrollment date as the date of acquisition of the animal.

(i) Inspection. If an inspection of any farmed cervid is needed as a part of enrollment, including reinstating a suspended status, the licensee shall be responsible for assembling, handling, and restraining the farmed cervids. The licensee shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests with the licensee in accordance with the USDA Standards, (2.4) Participating Herd: Requirements for Enrollment.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

02 NCAC 52L .0402 NORTH CAROLINA MONITORED HERD CERTIFICATION PROGRAM

(a) Scope. This Rule shall only apply to CWD non-susceptible farmed cervids.

(b) The Monitored Herd Certification Program shall provide an equivalent standard to the North Carolina Farmed Cervid Herd Certification Program for CWD non-susceptible farmed cervids.

(c) Enrollment Qualifications.

- (1) Only applicants that have a valid farmed cervid license or have applied for one shall be eligible to have herds enrolled in the Monitored Herd Certification Program.
- (2) Applicants shall comply with all farmed cervid license requirements under the rules in this Subchapter in order to have herds enrolled and remain in the Monitored Herd Certification Program.

(d) Enrollment Application.

- (1) Persons who possess any CWD non-susceptible farmed cervid in the State shall apply with the Veterinary Division to have herds enrolled in the Monitored Herd Certification Program.
- (2) The Veterinary Division shall determine the herd's enrollment eligibility and compliance with all farmed cervid license rules, and may request additional information regarding the herd animals and operations, such as laboratory reports, movement permits, animal species, and slaughter records to verify the origination of the animals and their status.
- (3) The Veterinary Division shall deny an application if:
 - (A) the applicant submits an incomplete farmed cervid license application;
 - (B) the applicant has provided false information;
 - (C) the applicant fails to provide additional information requested by the Veterinary Division;
 - (D) the applicant previously violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, based on his or her experience, that the nature of the violation indicates that the applicant may not comply with the

requirements of the Monitored Herd Certification Program;

- (E) the herd to be enrolled has been commingled with any CWD-positive or CWD-exposed herd and has not yet entered into a valid herd plan.
- (F) any pending or outstanding citation exists against the applicant;
- (G) the applicant has failed to comply with any farmed cervid license requirement; or
- (H) the applicant refuses inspection by the Veterinary Division in accordance with Paragraph (j) of this Rule.

(4) Upon determining that a herd is eligible to participate in the Monitored Herd Certification Program in accordance with Paragraphs (c) and (d) of this Rule, the Veterinary Division shall send the applicant a notice of enrollment of the herd's enrollment date.

(e) Enrollment Dates. The enrollment date for a herd that joins the North Carolina Monitored Herd Certification Program shall be the date the herd is approved for participation upon inspection, except for new herds that were formed from and contain only animals from herds enrolled in the Monitored Herd Certification Program, the enrollment date shall be the latest enrollment date for any source herd for the animals.

(f) Initial and Subsequent Herd Status.

- (1) When a herd is first enrolled in the Monitored Herd Certification Program, it shall be placed in the First Year status, except that if the herd is composed only of animals obtained from herds already enrolled in the Monitored Herd Certification Program, the newly enrolled herd shall have the same status as the lowest status of any herd that provided animals for the new herd.
- (2) If the herd continues to meet the requirements of this Subchapter, each year, on the anniversary of the enrollment date, the herd status shall be upgraded by one year as follows:
 - (A) First Year – starts on enrollment date of the herd in the Monitored Herd Certification Program.
 - (B) Second Year – starts on the anniversary date of the First Year.
 - (C) Third Year – starts on the anniversary date of the Second Year.
 - (D) Fourth Year – starts on the anniversary date of the Third Year.
 - (E) Fifth Year – starts on the anniversary date of the Fourth Year.
- (3) One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the program, provided its status is not lost or suspended.

(g) Loss or Suspension of Herd Status.

- (1) If the Veterinary Division determines that animals from a herd enrolled in the Monitored Herd Certification Program have commingled with animals from a herd with a lower program status, including CWD-susceptible farmed cervids, the herd with the higher program status shall be reduced to the status of the herd with which its animals commingled.
 - (2) If a herd has been commingled with any CWD-positive or CWD-exposed herd, it shall lose its program status and may only reenroll after entering into a herd plan.
 - (3) If a herd has been commingled with any CWD-suspect herd, a trace back herd, or a trace forward herd by the Veterinary Division, it shall be placed in Suspended status pending an epidemiologic investigation by the Veterinary Division in accordance with the USDA Standards. If the epidemiologic investigation:
 - (A) determines that the herd was not commingled with a CWD-positive animal, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level;
 - (B) determines that the herd was commingled with a CWD-positive animal, the herd shall lose its program status and may only reenroll after entering into a herd plan;
 - (C) is unable to make a determination regarding the exposure of the herd, because the necessary animal or animals are no longer available for testing (i.e., a trace animal from a known positive herd died and was not tested) or for other reasons, the herd status shall continue as Suspended until a herd plan is developed for the herd in accordance with its definition under 9 C.F.R. 55.1 and the USDA Standards, Part B. Guidance on Responding to CWD Affected Herds. If a herd plan is developed and implemented, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level. If the epidemiological investigation finds that the licensee of the herd has not complied with the rules of this Subchapter for animal identification, animal testing, and recordkeeping, the herd shall be reinstated into the Monitored Herd Certification Program at the First Year status level, with a new enrollment date set at the date the herd entered into Suspended status. Any herd reinstated after being placed in Suspended status shall then comply with the requirements of the herd plan as well as the requirements of the Monitored Herd Certification Program. The herd plan shall require testing of all animals that die in the herd for any reason, regardless of the age of the animal; whenever it is required by federal law, may require movement restrictions for animals in the herd based on epidemiologic evidence regarding the risk posed by the animals in question; and whenever it is required by federal law, may include other requirements found necessary to control the risk of spreading CWD.
- (h) Cancellation of Enrollment and Reduction of Herd Status.
 - (1) A licensee may cancel participation of any herd in the Monitored Herd Certification Program by surrendering the licensee's farmed cervid license in accordance with 02 NCAC 52L .0108 and by decommissioning the facility in accordance with 02 NCAC 52L .0301(e)(1).
 - (2) The Veterinary Division may cancel the enrollment or reduce the herd status of an enrolled herd, after determining that the licensee failed to comply with any rule of this Subchapter, by giving written notice to the licensee of the reasons for the cancellation or reduction in status.
 - (3) To appeal the cancellation of enrollment of a herd or loss or suspension of herd status, the procedures set forth under 9 CFR 55.24(c) shall govern.
 - (i) Adding Animals to Existing Herd.
 - (1) A herd may add animals from herds with the same or a higher herd status with no negative impact on the certification status of the receiving herd.
 - (2) If animals are acquired from a herd with a lower herd status, including CWD-susceptible species, the receiving herd shall revert to the program status of the sending herd.
 - (3) If a herd participating in the Monitored Herd Certification Program acquires animals from a nonparticipating herd, the receiving herd shall revert to First Year status with a new enrollment date as the date of acquisition of the animal.
 - (j) Inspection. If an inspection of any farmed cervid is needed as a part of enrollment, the licensee shall be responsible for assembling, handling, and restraining the farmed cervids. The licensees shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests with the licensee.
 - (k) If any CWD non-susceptible farmed cervid is determined by the Veterinary Division or the USDA as CWD-susceptible, then

the farmed cervid shall be transferred under the North Carolina Farmed Cervid Herd Certification Program.

History Note: Authority G.S. 106-549.97(a2); Eff. June 1, 2018.

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 09 .0304 ON-GOING REQUIREMENTS FOR A LICENSE

(a) Each operator shall schedule and obtain a fire inspection within 12 months of the center's previous fire inspection. The operator shall notify the local fire inspector when it is time for the center's annual fire inspection. The operator shall submit the original of the approved annual fire inspection report to the Division within one week of the inspection visit on the form provided by the Division.

(b) Each center shall be inspected annually by an Environmental Health Specialist and receive an approved or superior rating in accordance with applicable sanitation requirements adopted by the Commission for Public Health as described in 15A NCAC 18A .2800.

(c) A new building inspection shall not be required unless the operator plans to begin using space not previously approved for child care, has made renovations to the building, has added new construction, or wants to remove any restriction related to building codes on the permit.

(d) When the Division documents noncompliance with G.S. 110, Article 7 or this Chapter during a visit, the Division may do any one or more of the following:

- (1) require the operator to notify the Division in writing when the noncompliance has been corrected;
(2) return to the center for an unannounced visit to determine whether the noncompliance has been corrected; or
(3) take any administrative action in accordance with G.S. 110, Article 7 or 10A NCAC 09 .2200.

(e) The Division shall calculate the visit compliance score by taking the total possible points for items monitored at a visit and calculating the percentage of compliance based upon the actual points awarded. The compliance history of a center shall be calculated by averaging each visit compliance score over the previous 18 months. Points shall be awarded for compliance with items monitored as follows:

- (1) supervision of children (6 points);
(2) staff/child ratio (6 points);
(3) staff qualifications and training (2 to 5 points);
(4) health and safety practices (3 to 6 points);
(5) discipline (6 points);
(6) developmentally appropriate activities (2 to 4 points);
(7) adequate space (6 points);
(8) nutrition and feeding practices (1 to 3 points);
(9) program records (1 to 3 points); and
(10) transportation (1 to 3 points), if applicable.

(f) A sample of the Division's compliance history score sheet can be viewed online at http://ncchildcare.nc.gov/PDF_forms/Compliance_History_Sample_415.pdf.

(g) Each center shall maintain records as described in 10A NCAC 09 .0302(d) and shall make them available to the Division for review.

History Note: Authority G.S. 110-85; 110-88(5); 110-93; 143B-168.3; 150B-3; Eff. July 1, 1998; Amended Eff. July 1, 2010; May 1, 2006; Readopted Eff. October 1, 2017; Amended Eff. June 1, 2018.

10A NCAC 14F .1203 CERTIFICATE RENEWAL

(a) A certificate issued pursuant to G.S. 131E-167 and this Subchapter shall expire one year after the effective date of the certificate, but may be renewed upon the re-evaluation of the program. To initiate the renewal process, an application for certification shall be filed in accordance with Rule .1202 of this Subchapter.

(b) Determination of compliance with the provisions of G.S. 131E-167 and this Subchapter for purposes of certificate renewal may be based upon an inspection or upon review of requested information submitted by a program to the Department in accordance with Rule .1205 of this Subchapter.

History Note: Authority G.S. 131E-167; 131E-169; Eff. July 1, 2000; Readopted Eff. June 1, 2018.

10A NCAC 14F .1301 STAFF REQUIREMENTS AND RESPONSIBILITIES

(a) Each program shall be conducted utilizing an interdisciplinary team composed of a program director, medical director, nurse, program staff, mental health professional, dietitian or nutritionist, supervising physician, physician assistant or nurse practitioner, and a DVRS or other vocational rehabilitation counselor. The program may employ (full-time or part-time), or contract for the services of team members. Program staff shall be available to patients to perform initial assessments and to implement each patient's cardiac rehabilitation care plan.

(b) Individuals may perform multiple team functions listed in this Rule, if within their scope of practice as determined by their respective occupational licensing board:

- (1) Program Director - supervises program staff and directs all facets of the program.
(2) Medical Director - physician who provides medical assessments and is responsible for supervising all clinical aspects of the program and for assuring the availability of emergency procedures, equipment, testing equipment, and personnel.
(3) Nurse - provides nursing assessments and services.

- (4) Program Staff - provides an exercise assessment and plans and evaluates exercise therapies in consultation with the medical director.
- (5) Mental Health Professional - directly provides or assists the interdisciplinary team in completion of the mental health screening and referral, if further mental health services are necessary.
- (6) Dietitian or Nutritionist - directly provides or assists the interdisciplinary team in completion of the nutrition assessment and referral, if further nutrition services are necessary.
- (7) Supervising Physician, Physician Assistant, or Nurse Practitioner - medical person who is on-site during the hours of operation of programs that are not located within a hospital.
- (8) DVRS or other Vocational Rehabilitation Counselor - screens patients who may be eligible for and interested in vocational rehabilitation services, develops assessment and intervention strategies, and provides other services to meet the vocational goal(s) of those patients.

History Note: Authority G.S. 131E-169; Eff. July 1, 2000; Readopted Eff. June 1, 2018.

10A NCAC 14F .1401 PATIENT RIGHTS

- (a) Prior to or at the time of admission, the program shall provide each patient with a written notice of the patient's rights and responsibilities. The program shall maintain documentation at least five years showing that patients have been informed of their rights and responsibilities.
- (b) Each patient's rights and responsibilities shall include the right to:
 - (1) be informed of and participate in developing the patient's plan of care;
 - (2) file a grievance about the care provided, and not be subjected to discrimination or reprisal for doing so;
 - (3) have his or her records kept confidential;
 - (4) be informed with notice of the patient's liability for payment for services;
 - (5) be informed of the process for acceptance and continuation of service and eligibility determination;
 - (6) accept or refuse services; and
 - (7) be advised of the program's procedures for discharge.
- (c) The program shall provide patients with a telephone number for information, questions, or complaints about services provided by the program. The program shall also provide the telephone number for the Complaint Intake of the Division: 1-800-624-3004 and 919-855-4500 (within North Carolina).
- (d) The program shall investigate complaints within seven days of receipt by the program from the patient, the patient's family, or domestic partner, and shall document the existence of the

complaint, the resolution of the complaint, and retain documents in the records for five years from date of resolution.

History Note: Authority G.S. 131E-169; Eff. July 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. June 1, 2018.

10A NCAC 14F .1802 EXERCISE THERAPY

- (a) The medical director, in consultation with program staff, shall establish staff to patient ratios for exercise therapy sessions based on medical acuity, utilizing an acceptable risk stratification model.
- (b) The patient's first exercise session shall include an objective initial assessment of hemodynamic data, ECG, and symptom response data.
- (c) The patient's exercise therapy shall be developed based on needs identified by the initial assessment. Guidelines regarding exercise testing and prescription for exercise therapy are identified in the American College of Sports Medicine 10th edition, incorporated herein by reference including subsequent amendments and editions. Copies of the American College of Sports Medicine guidelines are available from <http://www.acsmstore.org/ProductDetails.asp?ProductCode=9781496339072> at a cost of forty seven dollars and ninety nine cents (\$47.99). The following chapters of these guidelines apply to the cardiac rehabilitation program:
 - (1) Chapters 3 through 7 that describe the "Pre-exercise Evaluation," "Health-Related Physical Fitness Testing and Interpretation," "Clinical Exercise Testing and Interpretation," "General Principles of Exercise Prescription," and "Exercise Prescription for Healthy Populations with Special Considerations;" and
 - (2) Chapter 9 that describes "Exercise Prescription for Patients with Cardiac, Peripheral, Cerebrovascular and Pulmonary Disease."
- (d) The patient shall be monitored through the use of electrocardiography during each exercise therapy session. The frequency of the monitoring, continuous or intermittent, shall be based on medical acuity and risk stratification.
- (e) At two week intervals, the patient's adherence to the cardiac rehabilitation care plan and progress toward goals shall be monitored by an examination of exercise therapy records and documented in accordance with hospital or cardiac rehabilitation program policy.
- (f) The program staff shall be responsible for consultation with the medical director or the patient's personal physician concerning changes in the patient's treatment plan. Feedback concerning changes in the patient's treatment plan shall be discussed with the patient and documented.
- (g) Diabetic patients who are taking insulin or oral hypoglycemic agents for control of diabetes shall have blood sugars monitored for at least the first week of cardiac therapy sessions in order to establish the patient's level of control and subsequent response to exercise. Cardiac rehabilitation staff shall record blood sugar measurements pre- and post-exercise. Patients whose blood sugar values are considered abnormal per hospital or cardiac

rehabilitation program policy shall be monitored. A carbohydrate source shall be available in case of a hypoglycemic response.

*History Note: Authority G.S. 131E-169;
Eff. July 1, 2000;
Readopted Eff. June 1, 2018.*

10A NCAC 14F .1901 EMERGENCY PLAN

The facility shall establish and maintain a written plan signed and approved by the medical director to address emergencies occurring on site while cardiac rehabilitation services are being provided. All areas of the premises necessary for program operation shall be included. The plan shall address the assignment of personnel and availability of equipment required in an emergency.

*History Note: Authority G.S. 131E-169;
Eff. July 1, 2000;
Readopted Eff. June 1, 2018.*

10A NCAC 14F .1903 EMERGENCY DRILLS

- (a) Quarterly patient emergency drills shall be conducted by the cardiac rehabilitation program each year when patients are on site and shall be documented by the program director or designee.
- (b) Drill sites shall be rotated through all locations used by patients while participating in program activities.
- (c) The drill documentation and results of emergency drills shall be reviewed, signed, and dated by the medical director or supervising physician in accordance with hospital or cardiac rehabilitation program policy.

*History Note: Authority G.S. 131E-169;
Eff. July 1, 2000;
Readopted Eff. June 1, 2018.*

10A NCAC 14F .2101 PHYSICAL ENVIRONMENT AND EQUIPMENT

- (a) The program shall provide a clean and safe environment. For the purposes of this Rule, "clean and safe" means visibly free of soil, and other debris, and maintained in an orderly condition where there are no obstacles that would present risks to the individuals at the facility.
- (b) Equipment and furnishings shall be cleaned between patients in accordance with manufacturer's instructions and the cardiac rehabilitation program's procedures for infection control and universal precautions.
- (c) A written and documented preventative maintenance program shall be established to ensure that all equipment is calibrated and maintained in safe and proper working order in accordance with manufacturers' recommendations.
- (d) There shall be emergency access to all areas a patient may enter, and floor space shall allow access of personnel and equipment.
- (e) Exit signs and an evacuation plan shall be posted and clearly visible to program patients, staff, and visitors. The evacuation plan shall detail evacuation routes for patients, staff, and visitors in case of fire or other emergency.
- (f) No smoking shall be permitted in the facility.

*History Note: Authority G.S. 131E-169;
Eff. July 1, 2000;
Readopted Eff. June 1, 2018.*

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 17 .0101 PURPOSE

The Alarm Systems Licensing Board is established within the North Carolina Department of Public Safety for the purpose of administering the licensing of and setting the educational and training requirements for persons, firms, associations, and corporations engaged in providing alarm systems and services to citizens of North Carolina.

*History Note: Authority G.S. 74D-4;
Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984;
Eff. May 1, 1984;
Transferred and Recodified from 12 NCAC 11 .0101 Eff. July 1, 2015;
Amended Eff. December 1, 2017;
Readopted Eff. June 1, 2018.*

14B NCAC 17 .0102 LOCATION

The administrative offices of the Alarm Systems Licensing Board are located at 3101 Industrial Drive, Suite 104, Raleigh, North Carolina 27609, telephone (919) 788-5320.

*History Note: Authority G.S. 74D-4; 74D-5;
Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984;
Eff. May 1, 1984;
Amended Eff. December 1, 2012;
Transferred and Recodified from 12 NCAC 11 .0102 Eff. July 1, 2015;
Amended Eff. December 1, 2017;
Readopted Eff. June 1, 2018.*

14B NCAC 17 .0103 DEFINITIONS

In addition to the definitions under G.S. Chapter 74D, the following definitions shall apply throughout this Chapter:

- (1) "Agency Head" means the Chairman of the Alarm Systems Licensing Board.
- (2) "Applicant" means any person, firm, or corporation applying to the Board for a license or registration.
- (3) "Board" means the Alarm Systems Licensing Board established by G.S. Chapter 74D.
- (4) "Branch Manager or Operator" means the licensee endowed with the responsibility and liability for a branch office.
- (5) "Branch Office" means a separate but dependent part of a central organization. The establishment of a telephone number or mailing address in the company name constitutes prima facie evidence of a branch office.
- (6) "Chairman" means the Chairman of the Alarm Systems Licensing Board.

- (7) "Employee" means:
 - (a) a person who has an agreement with a licensee to perform alarm systems business activities under the direct supervision and control of the licensee, for whose services any charges are determined imposed and collected by the licensee, and for whose alarm systems business activities the licensee is legally liable; or
 - (b) a person who solicits customers at a residential or commercial location whose services are compensated by payment of a referral fee or commission by a licensee.
- (8) "Installs" means placing an alarm device in a residential or commercial location and includes demonstrating the use of an alarm system device for a specific location and function within the protected premises and, with such knowledge of the alarm system operation, delivering that device to the owner or operator of the protected premises.
- (9) "Knowledge of Specific Applications" means obtaining specific information about the premises which is protected or is to be protected, gained during an on-site visit. Conducting a survey shall be prima facie evidence of knowledge of specific applications.
- (10) "Licensee" means any person licensed pursuant to G.S. Chapter 74D.
- (11) "Monitors" means receiving a signal from a protected premises or contracting with a person, firm or corporation to provide accessible equipment and personnel to receive a signal from an alarm device in a protected premises and take action in response.
- (12) "Qualifying Agent" means any person who meets the requirements of G.S. 74D-2(c), provided that no licensee may act as qualifying agent for more than one alarm systems business without prior authorization of the Board.
- (13) "Responds" means receiving a monitored alarm signal that indicates the existence of an unauthorized intrusion or taking from a protected premises of a customer and being required by contract to take action upon receipt of that alarm signal.
- (14) "Services" means inspecting, testing, repairing or replacing an alarm system device within protected premises.

*Transferred and Recodified from 12 NCAC 11 .0103 Eff. July 1, 2015;
Readopted Eff. June 1, 2018.*

14B NCAC 17 .0104 DISCIPLINARY ACTIONS

- (a) In lieu of the disciplinary actions set forth in G.S. Chapter 74D, the Board may issue a written reprimand to a holder of a license or registration identification card based on whether:
 - (1) the holder has violated any of the provisions of this Chapter or G.S. Chapter 74D that were applicable to the holder;
 - (2) the violation did not result in the physical injury of any person or property loss to any person; and
 - (3) the holder expresses an intention to or already has corrected the improper activity.
- (c) A notice of any disciplinary action shall be sent to the employer of the holder, the qualifying agent and the holder.
- (d) Evidence of disciplinary action shall be presented and considered at any subsequent disciplinary proceeding of the holder.

*History Note: Authority G.S. 74D-2; 74D-5; 74D-6; 74D-8; 74D-10;
Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984;
Eff. May 1, 1984;
Amended Eff. July 1, 1987;
Transferred and Recodified from 12 NCAC 11 .0104 Eff. July 1, 2015;
Readopted Eff. June 1, 2018.*

14B NCAC 17 .0105 PROHIBITED ACTS

In addition to the prohibited acts set forth elsewhere in this Subchapter and in Chapter 74D of the General Statutes, an applicant, licensee, or registrant who does any of the following shall have his or her application denied or his or her license or registration revoked or suspended:

- (1) displays, causes or permits to be displayed, or has in his or her possession any cancelled, revoked, suspended, fictitious, fraudulently-altered license or registration identification card, or any document simulating a license or registration identification card or purporting to be or to have been issued as a license or registration identification card;
- (2) lends his or her license or registration identification card to another person or allows the use thereof by another;
- (3) displays or represents any license or registration identification card not issued to him or her as being his or her license or registration identification card;
- (4) includes in any advertisement a statement that implies an official State-authorized certification or approval other than this statement: "Licensed by the Alarm Systems Licensing Board of the State of North

*History Note: Authority G.S. 74D-2; 74D-5;
Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984;
Eff. May 1, 1984;
Amended Eff. August 1, 1988; February 1, 1988; July 1, 1987;
January 1, 1986;*

- Carolina." Licensees may include their license number;
- (5) includes in the company name the word "police" or other law enforcement designation that implies that the alarm company is affiliated with a local, state, or federal law enforcement agency; or
 - (6) makes any false statement or gives any false information to a third party provider in connection with any criminal history record check provided to the Board.

History Note: Authority G.S. 74D-5; 74D-6; 74D-10; Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. June 1, 2014; August 1, 2007; Transferred and Recodified from 12 NCAC 11 .0105 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0106 DETERMINATION OF EXPERIENCE

- (a) Experience requirements shall be determined in the following manner: one year's experience = 1,000 hours.
- (b) The Board shall not consider any experience claimed by the applicant if gained while not in possession of a valid license or registration while such license or registration was required by existing or previously existing laws of the United States, any state, or any political subdivision thereof.

History Note: Authority G.S. 74D-5; Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. November 1, 2010; September 1, 1993; Transferred and Recodified from 12 NCAC 11 .0106 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0107 RULEMAKING AND ADMINISTRATIVE HEARING PROCEDURES

The Administrative Procedures for rule-making and hearings, codified at Title 26, Subchapters 2 and 3 of the North Carolina Administrative Code, effective August 1, 1986, are adopted by reference to apply to actions including subsequent amendments and editions.

History Note: Authority G.S. 74D-5; Eff. August 1, 1988; Transferred and Recodified from 12 NCAC 11 .0122 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0108 CONSUMER CONTRACT AND DISCLOSURE REQUIREMENTS FOR ALARM SERVICES

- (a) Every person, firm, association or corporation licensed to engage in the alarm systems business in North Carolina who sells,

installs, services, responds to or monitors electrical, electronic or mechanical alarm systems shall execute with the consumer a written contract in all transactions that consists of the following:

- (1) A description of the sales and services in brief, simple terminology;
- (2) The company's name, address and telephone number, the North Carolina Alarm Systems License Number, and the North Carolina Alarm Systems Licensing Board's address and telephone number.

(b) Any person, firm, association or corporation licensed to engage in the alarm systems business in North Carolina by providing sales, installation, service, response, or monitoring to a consumer and who unilaterally terminates, causes to be terminated, or reasonably knows of the termination of the monitoring, response or service to that consumer shall provide notification to that consumer by verified personal service or certified mail at least 10 days prior to cessation of the services. This provision shall not apply to consumer-initiated action to terminate or upon consumer relocation.

(c) Any person, firm, association or corporation licensed to engage in the alarm systems business in North Carolina by providing sales, installation, service, response, or monitoring to a consumer and who changes or causes to be changed the monitoring, response or service to that consumer shall provide written notification to that consumer of the change, the effective date, and the name, address and telephone number of the new provider.

History Note: Authority G.S. 74D-2(a); 74D-5; Eff. July 1, 1995; Transferred and Recodified from 12 NCAC 11 .0123 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0201 APPLICATION FOR LICENSE

(a) Each applicant for a license shall complete an application form provided by the Board. This form and one additional copy shall be submitted to the administrator and shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant card provided by the Board;
- (2) one head and shoulders digital photograph of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission, and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (3) statements of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided within the preceeding 60 months;
- (4) the applicant's application fee; and
- (5) an Equifax credit check run within 30 days of the license application submission date.

(b) Each applicant shall provide evidence of high school graduation either by diploma, G.E.D. certificate, or other equivalent documentation.

(c) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74D and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board indicating that the applicant has reviewed the information with the Board's representative and that the applicant understands G.S. 74D and the administrative rules in this Chapter.

(d) Each applicant for a branch office license shall complete an application form provided by the Board. This form shall be submitted to the Director and shall be accompanied by the branch office application fee.

History Note: Authority G.S. 74D-2; 74D-2.1; 74D-3; 74D-5; 74D-7;

Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;

Eff. May 1, 1984;

Amended Eff. December 1, 2012; February 1, 2012; January 1, 2007; September 1, 2006; March 1, 1993; July 1, 1987; January 1, 1986;

Transferred and Recodified from 12 NCAC 11 .0201 Eff. July 1, 2015;

Amended Eff. December 1, 2017;

Readopted Eff. June 1, 2018.

14B NCAC 17 .0202 EXPERIENCE REQUIREMENTS FOR LICENSE

(a) Applicants for an alarm system license shall meet the following requirements, which are additional to those specified in G.S. 74D:

- (1) establish two year's experience within the past five years in alarm systems installation or service, or alarm systems business management;
- (2) no longer than one year prior to the application date, successfully pass an oral or written examination required by the Board to measure an individual's knowledge and competence in the alarm systems business; or
- (3) no longer than one year prior to the application date, successfully complete the Certified Alarm Technician Level I Course offered by the National Electronic Security Association or Elite CEU's on-line training course.

(b) An applicant who takes the examination required by the Board under Subparagraph (a)(2) of this Rule and who does not successfully complete said examination after two attempts shall wait six months before being allowed to take the examination again.

History Note: Authority G.S. 74D-5;

Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;

Eff. May 1, 1984;

Amended Eff. January 1, 2007; August 1, 1998; January 1, 1995; March 1, 1993; August 3, 1992; June 1, 1990;

Transferred and Recodified from 12 NCAC 11 .0202 Eff. July 1, 2015;

Amended Eff. December 1, 2017;

Readopted Eff. June 1, 2018.

14B NCAC 17 .0203 FEES FOR LICENSES

(a) Application license fees shall be as follows:

- (1) one hundred fifty dollars (\$150.00) non-refundable initial application fee;
- (2) three hundred seventy-five dollar (\$375.00) biennial fee for a new or renewal license;
- (3) one hundred fifty dollars (\$150.00) branch office license fee;
- (4) one hundred dollars (\$100.00) late renewal fee to be paid in addition to the renewal fee if the license has not been renewed on or before the expiration date.

(b) Fees shall be paid as follows:

- (1) if the application is submitted by hand delivery, U.S. Mail, or delivery services, payment shall be by check or money order made payable to the Alarm Systems Licensing Board; or
- (2) if the application if submitted online, payment shall be by credit card, e-check or other form of electronic funds.

History Note: Authority G.S. 74D-7;

Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;

Eff. May 1, 1984;

Amended Eff. January 1, 1986;

Temporary Amendment Eff. October 6, 1992 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Amended Eff. February 1, 2010; March 1, 1993;

Transferred and Recodified from 12 NCAC 11 .0203 Eff. July 1, 2015;

Amended Eff. January 1, 2018;

Readopted Eff. June 1, 2018.

14B NCAC 17 .0204 RENEWAL OF LICENSE

(a) Each applicant for a license renewal shall complete a renewal form provided by the Board. This form shall be submitted to the Director not less than 30 days prior to expiration of the applicant's current license and shall be accompanied by:

- (1) two head and shoulders color photographs of the applicant of acceptable quality for identification and made within 90 days of the application one inch by one inch in size;
- (2) statements of the result of a local criminal history records search by the reporting services designated by the Board pursuant to G.S. 74D-2.1 for any state where the applicant has resided within the preceeding 24 months;
- (3) the applicant's renewal fee as set forth in .0203(a)(2); and
- (4) proof of liability insurance pursuant to G.S. Sec. 74D-9.

(b) Applications for renewal shall be submitted not less than 30 days before the expiration date of the license. No renewal shall be granted more than 90 days after the date of expiration of a license. Renewals shall be dated on the next day following expiration of the prior license.

(c) Applications for renewal submitted after the expiration date of the license shall be accompanied by the late renewal fee established by Rule .0203 of this Section and shall be submitted not later than 90 days after the expiration date of the license.

(d) The Director shall approve or deny all applications for renewal. All denials shall be submitted to the Board for a final Board decision.

(e) Members of the armed forces whose licenses are in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall be granted the same extension of time to pay the license renewal fee and to complete the continuing education requirements prescribed in Section .0500 of this Chapter. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74D-2(a); 74D-5; 74D-7; 93B-15; Eff. January 1, 1995; Temporary Adoption Eff. May 18, 1995; Amended Eff. February 1, 2012; July 1, 2010; May 1, 1999; October 1, 1995; Transferred and Recodified from 12 NCAC 11 .0204 Eff. July 1, 2015; Amended Eff. April 1, 2018; Readopted Eff. June 1, 2018.

14B NCAC 17 .0205 IDENTIFICATION CARDS OF LICENSEES

Upon the issuance of a license, a pocket identification card of design, size, and content approved by the Board shall be issued by the Director. The card will be evidence that the holder is duly licensed under G.S. Chapter 74D. The holder shall have this card in his or her possession at all times when acting within the scope of his employment.

History Note: Authority G.S. 74D-7; Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984; Eff. May 1, 1984; Transferred and Recodified from 12 NCAC 11 .0205 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0206 RECORDS INSPECTION

(a) Records of a licensee maintained to satisfy the requirements of G.S. Chapter 74D or this Chapter shall be available for inspection by the Director or his or her staff upon demand between 8:00 a.m. and 5:00 p.m. Monday through Friday.

(b) All licensees having registered employees shall submit a copy of their current quarterly Employment Security Commission form NCUI 101-625 to the Director's office at the same time the form is submitted to the Employment Security Commission and shall also submit a list of non-Employment Security Commission

employees currently employed by the licensee with the dates of employment. In lieu of submitting copies of the quarterly reports, within 10 days of a request by the Board, a licensee shall provide its Employment Security Commission account number along with the personal identification number (PIN) so that the Board may access the data electronically. Those licensees who do not submit an Employment Security Commission NCUI form 101-625 shall submit the names of their employees on a form provided by the Board. The licensee of a firm, association, or corporation that includes a licensed department or division shall also submit additional documentation as required by Paragraph (c) of this Rule.

(c) If a department or division of a firm, association, or corporation is licensed, the licensee shall submit a list of all employees who work with the department or division to the Board prior to the issuance of the license. This list shall indicate the employees who work with the department or division and are listed on the report required in Paragraph (b) of this Rule. If the department or division hires a new employee, the licensee shall report the hiring within 5 days of employment.

(d) All records required to be kept by either Chapter 74D of the General Statutes of North Carolina or by this Chapter shall be retained for at least three years. If the licensee is unable to produce records as required by this Rule, the licensee shall give the Board its Employment Security Commission account number along with the personal identification number (PIN) so that the Board can access the data electronically.

History Note: Authority G.S. 74D-5; Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. September 1, 2009; March 1, 1993; August 1, 1988; July 1, 1987; January 1, 1986; Transferred and Recodified from 12 NCAC 11 .0206 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0207 LICENSE REQUIREMENTS

All licensees shall inform the Board of their home address, business street address, home telephone number and business telephone number and inform the Board within 10 business days of the change.

History Note: Authority G.S. 74D-5; Eff. June 1, 1990; Transferred and Recodified from 12 NCAC 11 .0207 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0208 TRAINING REQUIREMENTS FOR ALARM LICENSEES

Every alarm licensee shall complete viewing of a video training session offered by the Alarm Systems Licensing Board. This video training session will be offered quarterly and shall be completed by the licensee within 90 days of licensure.

History Note: Authority G.S. 74D-5(a)(2); Eff. March 1, 1993;

*Transferred and Recodified from 12 NCAC 11 .0208 Eff. July 1, 2015;
Readopted Eff. June 1, 2018.*

14B NCAC 17 .0209 COMPANY BUSINESS LICENSE

(a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74D-2(a) shall submit an application for a company business license on a form provided by the Board. A sole proprietorship that is owned and operated by an individual holding a current alarm systems business license shall be exempt from this Rule. This application form shall include such information as the firm, association, or corporation name; the address of its principal office within the State; all past convictions for criminal offenses of any company director or officer; information concerning the past revocation, suspension or denial of a business or professional license to any director or officer; a list of all directors and officers of the firm, association, or corporation; a list of all persons, firms, associations, corporations or other entities owning 10 percent or more of the outstanding shares of any class of stock; and the name and address of the qualifying agent.

(b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state company shall file with its license application form a copy of its certificate of authority to transact business in this state issued by the North Carolina Secretary of State, in accordance with G.S. 55-15-01, and a consent to service of process and pleadings that is authenticated by its company seal and accompanied by a duly-certified copy of the resolution of the board of directors authorizing the proper officer or officers to execute this consent.

(c) After filing a completed written application with the Board, the Board shall conduct a background investigation to ascertain if the qualifying agent is in a management position. The Board shall also determine if the directors or officers have the requisite good moral character as defined in G.S. 74D-6(3). It shall be prima facie evidence of good moral character if a director or officer has not been convicted by any local, State, federal, or military court of any crime involving the use, carrying, or possession of a firearm; conviction of any crime involving the use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage; conviction of a crime involving assault or an act of violence; conviction of a crime involving breaking or entering, burglary, larceny, or any offense involving moral turpitude; or does not have a history of addiction to alcohol or a narcotic drug. For the purposes of this Section, "conviction" means and includes the entry of a plea of guilty, no contest, or a verdict rendered in open court by a judge or jury.

(d) Upon satisfactory completion of the background investigation, a company business license shall be issued if all requirements of this Rule are met. A company business license issued by the Board shall be displayed at the principal place of business within the State of North Carolina.

(e) The company business license shall be issued only to a corporation and shall not be construed to extend to a licensing of its directors, officers, or employees.

(f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the license issued to the qualifying agent. The qualifying agent for the firm,

association, or corporation that has been issued the company business license shall be responsible for assuring compliance with G.S. 74D.

(g) Within 90 days of the death of a licensee, the existing qualifying agent or a newly designated replacement qualifying agent for the company may submit a written request to the Board, asking that the deceased licensee's license number remain on company advertisements. The Board shall permit the use of the deceased licensee's license number only if the current qualifying agent's license number is printed immediately adjacent to and in the same size print as the deceased licensee's license number.

*History Note: Authority G.S. 74D-2(a); 74D-5;
Eff. November 1, 1993;
Amended Eff. July 1, 2005; March 1, 1995;
Transferred and Recodified from 12 NCAC 11 .0209 Eff. July 1, 2015;
Readopted Eff. June 1, 2018.*

14B NCAC 17 .0210 ELECTRICAL CONTRACTING LICENSE REQUIREMENTS

(a) Each firm, association, corporation, department, division, or branch office required to be licensed pursuant to G.S. 74D-2(a) shall employ on a full-time basis a licensee or registered employee who holds a license for either a SP-LV, limited, intermediate or unlimited examination as administered by the North Carolina Board of Examiners of Electrical Contractors. Pursuant to Rule .0206 of this Section, each firm, association, corporation, department, division, or branch office shall maintain in its records a copy of the licensee's or registered employee's Electrical Contractors License.

(b) In the event the licensee holding the electrical contractor's license ceases to perform his duties, the business entity shall notify the Board in writing within 10 working days. The business entity shall employ a substitute electrical contractor licensee within 30 days after the original electrical licensee ceases to serve.

(c) If a company provides only alarm systems monitoring services and submits a written request to the Board certifying that they provide only monitoring services and do not sell, install, service, or respond to burglar alarms, the Board shall exempt the company from compliance with this rule. If the company later elects to sell, install, service, or respond to burglar alarms, then the company shall be required to fulfill the requirements of this rule.

*History Note: Authority G.S. 74D-2(a); 74D-5;
Eff. January 1, 1995;
Temporary Adoption Eff. May 18, 1995;
Amended Eff. September 1, 2008; May 1, 1999; October 1, 1995;
Transferred and Recodified from 12 NCAC 11 .0210 Eff. July 1, 2015;
Readopted Eff. June 1, 2018.*

14B NCAC 17 .0301 APPLICATION FOR REGISTRATION

(a) Each licensee or qualifying agent shall submit and sign an application form for the registration of his or her employee on a form provided by the Board. This form, when sent to the Board, shall be accompanied by:

- (1) one set of classifiable fingerprints on a standard F.B.I. applicant card;
- (2) one head and shoulders digital photograph of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission, and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (3) statements of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided within the preceding 60 months; and
- (4) the registration fee required by Rule .0302 of this Section.

(b) The employer of an applicant who is currently registered with another alarm business shall complete an application form provided by the Board. This form shall be accompanied by the applicant's multiple registration fee.

(c) The employer of each applicant for registration shall retain a copy of the applicant's application in the individual applicant's personnel file in the employer's office.

(d) The employer of an applicant for registration shall complete and submit to the Board a certification of the background and criminal record check of each applicant signed by the licensee or qualifying agent. A copy of this certification shall be retained in the individual applicant's personnel file in the employer's office.

History Note: Authority G.S. 74D-2.1; 74D-5; 74D-8; Temporary Rule Eff. January 9, 1984 for a Period of 120 Days to Expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. December 1, 2012; January 1, 2007; July 1, 1993; March 1, 1993; September 1, 1990; November 1, 1988; Transferred and Recodified from 12 NCAC 11 .0301 Eff. July 1, 2015; Amended Eff. December 1, 2017; Readopted Eff. June 1, 2018.

14B NCAC 17 .0302 FEES FOR REGISTRATION

- (a) Registration fees are as follows:
 - (1) Forty-five dollar (\$45.00) non-refundable biennial registration fee;
 - (2) Ten dollar (\$10.00) non-refundable fee for registration of an employee who changes employment to another licensee;
 - (3) Ten dollar (\$10.00) non-refundable annual multiple registration fee;
 - (4) Ten dollar (\$10.00) fee for each reconsideration of a registration permit that has been previously filed with the Board but returned to the licensee or applicant for correctable errors;
 - (5) Twenty dollar (\$20.00) late renewal fee to be paid for an application submitted no more than 30 days from the date the registration expires and to be paid in addition to the renewal fee.
- (b) Fees shall be paid as follows:
 - (1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be

- (2) by check or money order made payable to the Alarm Systems Licensing Board; or if the application is submitted online, payment shall be by credit card, e-check or other form of electronic funds transfer.

History Note: Authority G.S. 74D-7; Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. January 1, 1986; Temporary Amendment Eff. October 6, 1992 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. May 1, 2010; February 1, 2010; April 1, 2005; March 1, 1993; Transferred and Recodified from 12 NCAC 11 .0302 Eff. July 1, 2015; Amended Eff. January 1, 2018.

14B NCAC 17 .0303 MINIMUM STANDARDS FOR REGISTRATION

An applicant for registration shall:

- (1) be at least 18 years of age;
- (2) be a citizen of the United States or a resident alien;
- (3) be of good moral character and temperate habits, as set forth in G.S. 74D-2(d)(2); and
- (4) not have been found or declared mentally incompetent by any court.

History Note: Authority G.S. 74D-5; 74D-8; Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984; Eff. May 1, 1984; Amended Eff. March 1, 1993; January 1, 1986; Transferred and Recodified from 12 NCAC 11 .0303 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0304 INVESTIGATION FOR REGISTRATION

A denial of an applicant for registration by the Director shall be subject to review by the Board.

History Note: Authority G.S. 74D-5; 74D-8; Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984; Eff. May 1, 1984; Transferred and Recodified from 12 NCAC 11 .0304 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0305 REGISTRATION IDENTIFICATION CARDS

(a) The registration identification card shall be carried by the registrant when performing the duties of an alarm systems employee.

(b) The registration identification card shall be exhibited upon the request of any law enforcement officer or any other authorized representative of the Board.

(c) Registration identification card holders shall immediately notify the Board upon receipt of information relating to the holder's ineligibility to continue holding such a card.

(d) Upon revocation or suspension by the Board, a holder shall return the registration identification card to the administrator within 10 days of the date of the revocation or suspension.

History Note: Authority G.S. 74D-8; Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984; Eff. May 1, 1984; Transferred and Recodified from 12 NCAC 11 .0305 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0306 RENEWAL OR REREGISTRATION OF REGISTRATION

(a) Each applicant for renewal of a registration identification card or his employer shall complete a form provided by the Board. This form shall be submitted not less than 30 days prior to expiration of the applicant's current card and shall be accompanied by:

- (1) two head and shoulders color photographs of the applicant of acceptable quality for identification and made within 90 days of the application one inch by one inch in size;
- (2) statements of the result of a local criminal history records search by the City or County Bureau or Clerk of Superior Court in each county where the applicant has resided within the immediately preceding 24 months; and
- (3) the applicant's renewal fee.

(b) Each licensee shall provide each applicant for registration or re-registration an application form provided by the Board. This form shall be submitted to the Board and accompanied by:

- (1) two head and shoulders photographs of the applicant of acceptable quality for identification and made within 90 days of the application one inch by one inch in size; and
- (2) the applicant's reregistration fee.

(c) The employer of each applicant for a registration renewal or reregistration shall give the applicant a copy of the application which will serve as a record of application for renewal and shall retain a copy of the applicant's renewal application in the individual's personnel file in the employer's office.

(d) Members of the armed forces whose registrations are in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the registration renewal fee and to complete the continuing education requirements prescribed by Section .0500 of this Chapter. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

History Note: Authority G.S. 74D-7; 74D-8; 93B-15; Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984;

Eff. May 1, 1984; Amended Eff. February 1, 2012; July 1, 2010; March 1, 1993; December 1, 1988; July 1, 1987; Transferred and Recodified from 12 NCAC 11 .0306 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0307 SUSPENSION OF AUTHORITY TO EXPEND FUNDS

In the event that Board's authority to expend funds is suspended pursuant to G.S. 93B-2(d), the Board shall continue to issue and renew licenses and all fees tendered shall be placed in an escrow account maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the escrow account into the general operating account.

History Note: Authority G.S. 93B-2(b); Eff. December 1, 2012; Transferred and Recodified from 12 NCAC 11 .0307 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0401 DEFINITIONS

In addition to the definitions in Article 2 of Chapter 74D of the General Statutes of North Carolina, the following definitions shall apply through this Section:

- (1) "Board" means the Alarm Systems Licensing Board.
- (2) "Fund" means the Recovery Fund of the Alarm Systems Licensing Act.
- (3) "Aggrieved Party" means a person who has suffered a direct or monetary loss because of a licensee's acts.
- (4) "Licensee" means a person who, at the time of the act complained of, was licensed by the Alarm Systems Licensing Board.
- (5) "Reimbursable Loss" means only those losses of money or other property that meet all of the following tests:
 - (a) the obligation was incurred on or after July 1, 1983;
 - (b) the loss was caused by a licensee defaulting on an obligation that was entered into by the licensee to perform alarm systems services; and
 - (c) the aggrieved party has exhausted all civil remedies against the licensee or his estate and has complied with these Rules.
 - (d) the following shall be excluded from "reimbursable losses":
 - (i) Losses of spouses, children, parents, grandparents, siblings, partners, associates and employees of the licensee causing the losses;
 - (ii) Losses covered by any bond, surety agreement, or

- (iii) insurance contract to the extent covered thereby; and Losses which have been otherwise received from or paid by or on behalf of the licensee who defaulted on an obligation.

History Note: Authority G.S. 74D-30; 74D-31; Eff. June 1, 1990; Transferred and Recodified from 12 NCAC 11 .0401 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0501 DEFINITIONS

In addition to the definitions set forth in Rule .0103 of this Section, the following definitions shall apply to this Section:

- (1) "continuing education" or "CE" refers to any educational activity approved by the Board to be a continuing education activity.
- (2) "credit hour" means sixty minutes of continuing education instruction.
- (3) "year" refers to the calendar year after the issuance of a new or renewal license.
- (4) "licensee" shall refer to an individual who holds an alarm systems business license issued by the Board.
- (5) "registrant" shall refer to an individual who holds an alarm systems business registration permit issued by the Board.

History Note: Authority G.S. 74D-2; 74D-5; Eff. May 1, 1999; Amended Eff. July 18, 2002; Transferred and Recodified from 12 NCAC 11 .0501 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0502 REQUIRED CONTINUING EDUCATION HOURS

Each licensee shall complete at least six credit hours of continuing education training during each two year renewal period. Each registrant shall complete at least three credit hours of continuing education training during each renewal period. Only registrants who engage in installation, service, sales, or monitoring of alarm systems shall be required to complete the continuing education requirements. Credit shall be given only for classes that have been pre-approved by the Board. A licensee or registrant who attends a complete meeting of a regularly-scheduled meeting of the Alarm Systems Licensing Board shall receive three credit hours for each meeting that the licensee or registrant attends.

History Note: Authority G.S. 74D-2; 74D-5; Eff. May 1, 1999; Amended Eff. July 18, 2002; Transferred and Recodified from 12 NCAC 11 .0502 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0503 ACCREDITATION STANDARDS

(a) CE courses seeking to obtain the sanction of the Alarm Systems Licensing Board shall submit the following information to the Board:

- (1) the nature and purpose of the course;
- (2) the course objectives or goals;
- (3) the outline of the course, including the number of training hours for each segment; and
- (4) the identity of each instructor.

(b) To determine if a course will be sanctioned by the Alarm Systems Licensing Board, the Board shall complete the following review:

- (1) The matter shall be referred to the Education and Training Committee for the appointment of a sub-committee that shall review the course under consideration. The sub-committee shall consist of at least one member of the Education and Training Committee, one member of the Board's staff, and one industry licensee who has no vested interest in the course. Other members of the sub-committee may be appointed at the discretion of the Education and Training Committee Chairman.
- (2) The sub-committee shall review the course to determine if the course is pertinent to the industry and if the course meets its stated objectives.
- (3) When the sub-committee completes its review, it shall report to the Education and Training Committee. The Education and Training Committee shall review the course to determine if the course is pertinent to the industry and if the course meets its stated objective. The Education and Training Committee shall then report the findings with a recommendation of acceptance or denial to the Alarm Systems Licensing Board.
- (4) For any online course being reviewed by the Committee, the course sponsor shall allow the Committee to review the online course and any associated test and shall include with the application instructions and an access code for computer login.

(c) Upon receipt of the Education and Training Committee report, the Alarm Systems Licensing Board shall determine by majority vote if the course will be sanctioned for continuing education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry and if the course meets its stated objective.

(d) Each approved course shall remain an approved course for four years from the date of approval by the Board.

History Note: Authority G.S. 74D-2; 74D-5; Eff. May 1, 1999; Amended Eff. July 1, 2010; July 18, 2002; Transferred and Recodified from 12 NCAC 11 .0503 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0504 NON-RESIDENT LICENSEE OR REGISTRANT CONTINUING EDUCATION CREDITS

A non-resident licensee or registrant shall obtain the required continuing education credits as set forth in Rule .0502 of this Section. If a non-resident licensee or registrant resides in a state that requires continuing education for an alarm systems business license, then the continuing education courses to be offered in the state of residence may be considered by the North Carolina Alarm Systems Licensing Board for sanctioning in North Carolina on an individual course basis. In determining if the course is to be sanctioned, the Board shall review the course to determine if the course is pertinent to the industry and if the course meets its stated objective.

History Note: Authority G.S. 74D-2; 74D-5; Eff. May 1, 1999; Amended Eff. July 18, 2002; Transferred and Recodified from 12 NCAC 11 .0504 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0505 RECORDING AND REPORTING CONTINUING EDUCATION CREDITS

(a) Each licensee shall be responsible for recording and reporting continuing education credits to the Board at the time of license or registration renewal. For each course taken the report shall include a certificate of course completion that is signed by at least one course instructor, indicates the name of the licensee or registrant who completed the course, indicates the date of course completion, and indicates the number of hours taken by the licensee or registrant. Credit shall not be given if a certificate of course completion is dated more than two years from the license or registration permit renewal date. Each course instructor shall

maintain a course roster and shall verify the identity of each participant by a government issued photo identification, such as a driver's license. This roster shall be delivered to the Board's office within two weeks of the completion date of the course.

(b) All applications for renewal of a license or registration permit shall have CE Certificates attached, verifying completion of the required number of credit hours. If an applicant is filing an application designated as "new" and the applicant has been licensed or registered for any period of time within the previous two years, the applicant shall attach CE Certificates verifying completion of the required number of credit hours. An applicant shall not be required to submit a CE Certificate if the applicant is filing an application designated as a "transfer" or "duplicate" and if the applicant has a current registration card issued by the Board.

History Note: Authority G.S. 74D-2; 74D-5; Eff. May 1, 1999; Amended Eff. March 1, 2006; March 1, 2004; July 18, 2002; Transferred and Recodified from 12 NCAC 11 .0505 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

14B NCAC 17 .0506 NON-COMPLIANCE

If a licensee or registrant fails to comply with this Section of the rules, his or her license or registration permit shall not be renewed.

History Note: Authority G.S. 74D-2; 74D-5; Eff. May 1, 1999; Amended Eff. July 18, 2002; Transferred and Recodified from 12 NCAC 11 .0506 Eff. July 1, 2015; Readopted Eff. June 1, 2018.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission July 19, 2018 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
Jeff Hyde (1st Vice Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jeffrey A. Poley

Appointed by House
Garth Dunklin (Chair)
Andrew P. Atkins
Anna Baird Choi
Paul Powell
Jeanette Doran (2nd Vice Chair)

COMMISSION COUNSEL

Amber Cronk May (919)431-3074
Amanda Reeder (919)431-3079
Jason Thomas (919)431-3081

RULES REVIEW COMMISSION MEETING DATES

July 19, 2018 August 16, 2018
September 20, 2018 October 18, 2018

AGENDA

**RULES REVIEW COMMISSION
THURSDAY, JULY 19, 2018 10:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 - A. Commission of Navigation and Pilotage for the Cape Fear River and Bar – 04 NCAC 15 .0119, .0121 .0123, .0124, .0127, .0128 (Thomas)
 - B. Child Care Commission - 10A NCAC 09 .0401, .1904, .2201, .2202, .2203, .2204, .2205, .2206, .2207, .2208, .2209, .2213, .2216, .2217 (May)
 - C. DHHS/Division of Medical Assistance – 10A NCAC 22F .0104, .0301, .0302, .0602, .0603, .0604; 22J .0105, .0106 (May)
- IV. Review of Log of Filings (Permanent Rules) for rules filed May 22, 2018 through June 20, 2018
 - Pre-Reviewed Rules
 - Banking Commission (Reeder)
 - Board of Barber Examiners (May)
 - Board of Dental Examiners (May)
 - Non Pre-Reviewed Rules
 - Department of Insurance (Reeder)
 - Alcoholic Beverage Control Commission (Reeder)
 - Appraisal Board (Reeder)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review
 - Review of Reports
 1. 19A NCAC 03 – Department of Transportation/Division of Motor Vehicles (Thomas)
- VII. Commission Business
 - D. Periodic Review and Expiration of Existing Rules Readoption Schedule
 - Closed Session

- Next meeting: Thursday, August 16, 2018

**Commission Review
Log of Permanent Rule Filings
May 22, 2018 through June 20, 2018**

BANKING COMMISSION

The rules in Subchapter 3E concern licensees under North Carolina Consumer Finance Act including licensing (.0100); actions requiring approval of commissioner of banks (.0200); reports required by commissioner of banks (.0300); examination (.0400); enforcement (.0500); and consumer finance offices (.0600).

<u>Application</u>	04	NCAC	03E	.0101
Readopt with Changes*				
<u>Approval</u>	04	NCAC	03E	.0102
Repeal*				
<u>Operation of Other Business in Same Office</u>	04	NCAC	03E	.0201
Repeal*				
<u>Transfer of License and Change of Location</u>	04	NCAC	03E	.0204
Readopt without Changes*				
<u>Annual Report</u>	04	NCAC	03E	.0302
Readopt without Changes*				
<u>Examination</u>	04	NCAC	03E	.0401
Repeal*				
<u>Reports of Examination</u>	04	NCAC	03E	.0402
Repeal*				
<u>Books, Records, and Application of Fees</u>	04	NCAC	03E	.0601
Readopt with Changes*				
<u>Collection Practices</u>	04	NCAC	03E	.0602
Repeal*				

The rules in Subchapter 3F concern licensees under money transmitters act including administrative (.0200); licensing (.0300); operations (.0400); reporting and notifications (.0500); examination books and records (.0600); and license revocation (.0700).

<u>Definitions</u>	04	NCAC	03F	.0201
Repeal*				
<u>Incomplete Applications</u>	04	NCAC	03F	.0301
Readopt with Changes*				
<u>Surrender of License</u>	04	NCAC	03F	.0402
Repeal*				
<u>Generally Accepted Accounting Principles</u>	04	NCAC	03F	.0501
Repeal*				
<u>Agent Activity Reports</u>	04	NCAC	03F	.0504
Repeal*				
<u>Amendments To Application</u>	04	NCAC	03F	.0505
Repeal*				
<u>Revocation or Cancellation of Surety Bond</u>	04	NCAC	03F	.0506
Repeal*				
<u>Ceasing Operations</u>	04	NCAC	03F	.0507
Repeal*				
<u>Impairment of Minimum Net Worth</u>	04	NCAC	03F	.0508
Repeal*				

RULES REVIEW COMMISSION

<u>Dishonor Or Default In Payment Instrument</u>	04	NCAC	03F	.0509
Repeal*				
<u>Record and Bookkeeping Requirements</u>	04	NCAC	03F	.0601
Repeal*				
<u>Examination Fee</u>	04	NCAC	03F	.0602
Repeal*				

The rules in Subchapter 3H concern applications by regional bank holding companies including applications (.0100).

<u>Regional Bank Holding Company Acquisitions</u>	04	NCAC	03H	.0102
Repeal*				
<u>Bank Holding Company Registration</u>	04	NCAC	03H	.0103
Repeal*				

The rules in Subchapter 3J concern refund anticipation loan including administrative (.0100); application and renewal (.0200); operations, reporting requirements, notifications (.0300); and enforcement (.0400).

<u>Definitions; Filings</u>	04	NCAC	03J	.0101
Readopt with Changes*				
<u>Application For Registration As A Facilitator</u>	04	NCAC	03J	.0201
Readopt with Changes*				
<u>Issuance of a Certificate or Registration</u>	04	NCAC	03J	.0202
Repeal*				
<u>Expiration And Renewal</u>	04	NCAC	03J	.0203
Repeal*				
<u>Application for Renewal of Certificate of Registration</u>	04	NCAC	03J	.0204
Readopt without Changes*				
<u>Nontransferability of Certificate of Registration</u>	04	NCAC	03J	.0205
Readopt with Changes*				
<u>Check Cashing Services</u>	04	NCAC	03J	.0301
Repeal*				
<u>Record and Bookkeeping Requirements</u>	04	NCAC	03J	.0302
Readopt with Changes*				
<u>Filing and Posting of Fee Schedule</u>	04	NCAC	03J	.0303
Readopt without Changes*				
<u>Disclosures</u>	04	NCAC	03J	.0304
Readopt with Changes*				
<u>Amendments to Application</u>	04	NCAC	03J	.0305
Readopt without Changes*				
<u>Cessation Of Operations</u>	04	NCAC	03J	.0306
Repeal*				
<u>Check Cashing Services</u>	04	NCAC	03J	.0401
Repeal*				
<u>Examinations, Audits</u>	04	NCAC	03J	.0402
Readopt without Changes*				

The rules in Subchapter 3K concern reverse mortgages including administrative (.0100); authorization of reverse mortgage lenders (.0200); requirements for authorization (.0300); operations, notifications, and reporting (.0400); disclosure requirements (.0500); counseling (.0600); and prohibited acts and practices; enforcement actions (.0700).

<u>Definitions; Filings</u>	04	NCAC	03K	.0101
Readopt with Changes*				
<u>Application for Authorization as a Reverse Mortgage Lender</u>	04	NCAC	03K	.0201
Readopt with Changes*				
<u>Notification of Intent to Engage in Reverse Mortgage Lending</u>	04	NCAC	03K	.0202

Repeal*				
<u>Current Authorized Lender Information</u>	04	NCAC	03K	.0203
Readopt with Changes*				
<u>Annual Renewal Fee</u>	04	NCAC	03K	.0204
Readopt without Changes*				
<u>Certificate of Authorization</u>	04	NCAC	03K	.0205
Repeal*				
<u>Nontransferability of Certificate of Authorization</u>	04	NCAC	03K	.0206
Readopt with Changes*				
<u>Minimum Net Worth Requirement for Authorized Lender or Le...</u>	04	NCAC	03K	.0301
Repeal*				
<u>Surety Bonds</u>	04	NCAC	03K	.0302
Readopt without Changes*				
<u>Certified Financial Statements</u>	04	NCAC	03K	.0401
Repeal*				
<u>Record And Bookkeeping Requirements</u>	04	NCAC	03K	.0402
Readopt with Changes*				
<u>Examinations</u>	04	NCAC	03K	.0403
Readopt without Changes*				
<u>Withdrawal/Termination of Authorization as Reverse Mtg. L...</u>	04	NCAC	03K	.0404
Readopt without Changes*				
<u>Impairment of Minimum Net Worth, and Surety Bond</u>	04	NCAC	03K	.0405
Readopt without Changes*				
<u>Reverse Mortgage Lender Application Disclosure</u>	04	NCAC	03K	.0501
Repeal*				
<u>Permitted Fees</u>	04	NCAC	03K	.0502
Repeal*				
<u>Counseling</u>	04	NCAC	03K	.0601
Repeal*				
<u>Prohibited Acts</u>	04	NCAC	03K	.0701
Repeal*				
<u>Enforcement Actions</u>	04	NCAC	03K	.0702
Readopt without Changes*				
<u>Hearings</u>	04	NCAC	03K	.0703
Repeal*				
<p>The rules in Subchapter 3L concern check-cashing businesses including administrative (.0100); application (.0200); licensing (.0300); operations (.0400); books and records examinations (.0500); and reporting and notification requirements (.0600).</p>				
<u>Definitions</u>	04	NCAC	03L	.0101
Readopt without Changes*				
<u>Filings</u>	04	NCAC	03L	.0102
Readopt with Changes*				
<u>Application for License</u>	04	NCAC	03L	.0201
Readopt without Changes*				
<u>Fees</u>	04	NCAC	03L	.0202
Readopt with Changes*				
<u>Issuance</u>	04	NCAC	03L	.0301
Readopt with Changes*				
<u>Nontransferability of License</u>	04	NCAC	03L	.0302
Readopt without Changes*				
<u>Annual Renewal of License</u>	04	NCAC	03L	.0303

Readopt with Changes*				
<u>Posting of License or Branch Certificate</u>	04	NCAC	03L	.0401
Readopt without Changes*				
<u>Surrender of License</u>	04	NCAC	03L	.0402
Readopt without Changes*				
<u>Posting of Fees</u>	04	NCAC	03L	.0403
Readopt without Changes*				
<u>Books and Records</u>	04	NCAC	03L	.0501
Readopt with Changes*				
<u>Examinations</u>	04	NCAC	03L	.0502
Readopt with Changes*				
<u>Amendments to Information on File with the Commissioner</u>	04	NCAC	03L	.0601
Readopt without Changes*				
<u>Expansion or Relocation</u>	04	NCAC	03L	.0602
Readopt without Changes*				
<u>Impairment of Financial Requirements</u>	04	NCAC	03L	.0603
Readopt without Changes*				

The rules in Subchapter 3M concern mortgage lending including general mortgage lending (.0100); licensing (.0200); education and examinations (.0300); reporting and notification requirements (.0400); record and bookkeeping requirements (.0500), origination practices (.0600); and servicing (.0700).

<u>Definitions</u>	04	NCAC	03M	.0101
Readopt with Changes*				
<u>Notices</u>	04	NCAC	03M	.0102
Readopt without Changes*				
<u>Application</u>	04	NCAC	03M	.0201
Readopt with Changes*				
<u>Nontransferability</u>	04	NCAC	03M	.0202
Readopt without Changes*				
<u>Name Changes</u>	04	NCAC	03M	.0203
Readopt without Changes*				
<u>Experience</u>	04	NCAC	03M	.0204
Readopt without Changes*				
<u>Financial Responsibility</u>	04	NCAC	03M	.0205
Readopt with Changes*				
<u>Surety Bond</u>	04	NCAC	03M	.0206
Readopt without Changes*				
<u>Reporting Requirements</u>	04	NCAC	03M	.0401
Readopt without Changes*				
<u>Information Security Breaches</u>	04	NCAC	03M	.0402
Readopt without Changes*				
<u>Termination of Operations or Employment</u>	04	NCAC	03M	.0403
Readopt with Changes*				
<u>Records to be Maintained</u>	04	NCAC	03M	.0501
Readopt without Changes*				
<u>Form and Location of Records</u>	04	NCAC	03M	.0502
Readopt without Changes*				
<u>Seller Discounts for Use of Affiliated Mortgage Lender or...</u>	04	NCAC	03M	.0602
Readopt without Changes*				
<u>Transfer of Servicing Rights</u>	04	NCAC	03M	.0701
Readopt without Changes*				
<u>Requirements for Mortgage Services to Communicate Effecti...</u>	04	NCAC	03M	.0702

Readopt without Changes*

Cessation of Foreclosure Activities During Pendency of Lo... 04 NCAC 03M .0703
Readopt without Changes*

INSURANCE, DEPARTMENT OF

The rules in Chapter 20 concern managed care health benefit plans including managed care definitions (.0100); contracts between network plan carriers and health care providers (.0200); provider accessibility and availability (.0300); network provider credentials (.0400); HMO quality management programs (.0500); and significant modifications to HMO operations (.0600).

Contract Provisions 11 NCAC 20 .0202
Readopt without Changes*

Carrier and Intermediary Contracts 11 NCAC 20 .0204
Readopt without Changes*

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Subchapter 15B concern retail beer, wine, mixed beverages, brownbagging, advertising, and special permits. The rules include definitions and permit application procedures (.0100); general rules affecting retailers and brownbagging permittees (.0200); malt beverages and the wine retailer/wholesaler relationship (.0300); additional requirements for brownbagging permittees (.0400); additional requirements for mixed beverages permittees (.0500); special requirements for convention centers, community theatres, sports clubs, and nonprofit and political organizations (.0600); special occasions permits (.0700); culinary permits (.0800); wine and beer tastings (.0900); advertising (.1000); and effect of administrative action, fines, and offers in compromise (.1100).

Fill or Refill Original Containers 14B NCAC 15B .0217
Amend*

Dispensing Alcoholic Beverages: Product Identification 14B NCAC 15B .0220
Amend*

The rules in Subchapter 15C concern industry members, retail/industry member relationships, ship chandlers, air carriers, and fuel alcohol including definitions and application procedures (.0100); product approvals, listing procedures and product lists (.0200); packaging and labeling of malt beverages and wine (.0300); standards of identity for wine containers (.0400); general provisions for industry members (.0500); sales and deliveries of malt beverages and wine (.0600); alcoholic beverages, retailer/industry member relationship and trade practices (.0700); ships chandler's permit (.0800); distillers and representatives (.0900); air carriers (.1000); fuel alcohol permits (.1100); and administrative action by commission (.1200).

Labels to Be Submitted to Commission 14B NCAC 15C .0302
Amend*

Labels Contents: Malt Beverages 14B NCAC 15C .0303
Amend*

Label Contents: Wine 14B NCAC 15C .0304
Amend*

Growlers 14B NCAC 15C .0307
Amend*

Growlers: Cleaning, Sanitizing, Filling and Sealing 14B NCAC 15C .0308
Amend*

Containers 14B NCAC 15C .0403
Amend*

BARBER EXAMINERS, BOARD OF

The rules in Subchapter 06F concern barber schools.

<u>Physical Structure</u> Amend*	21	NCAC	06F	.0101
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DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16Q concern general anesthesia and sedation including definitions (.0100); general anesthesia (.0200); parenteral conscious sedation (.0300); enteral conscious sedation (.0400); renewal of permits (.0500); reporting and penalties (.0600); and penalty for non-compliance (.0700).

<u>General Anesthesia Equipment and Clinical Requirements</u> Amend*	21	NCAC	16Q	.0202
<u>Procedure for General Anesthesia Evaluation or Inspection...</u> Amend*	21	NCAC	16Q	.0204
<u>Itinerant (Mobile) General Anesthesia Permit, Equipment a...</u> Amend*	21	NCAC	16Q	.0206
<u>Annual Renewal of General Anesthesia and Itinerant (Mobil...</u> Amend*	21	NCAC	16Q	.0207
<u>Credentials and Permits for Moderate Parenteral and Enter...</u> Amend*	21	NCAC	16Q	.0301
<u>Moderate Parenteral and Enteral Conscious Sedation Clinic...</u> Amend*	21	NCAC	16Q	.0302
<u>Itinerant (Mobile) Moderate Permit, Equipment and Evaluation</u> Amend*	21	NCAC	16Q	.0304
<u>Annual Renewal of Moderate Parenteral and Enteral Conscio...</u> Amend*	21	NCAC	16Q	.0305
<u>Procedure for Moderate Conscious Sedation Evaluation or I...</u> Amend*	21	NCAC	16Q	.0306
<u>Credentials and Permits for Moderate Pediatric Conscious ...</u> Amend*	21	NCAC	16Q	.0404
<u>Moderate Pediatric Conscious Sedation Clinical Requiremen...</u> Amend*	21	NCAC	16Q	.0405
<u>Itinerant (Mobile) Moderate Pediatric Conscious Sedation ...</u> Amend*	21	NCAC	16Q	.0406
<u>Annual Renewal of Moderate Pediatric Conscious Sedation P...</u> Amend*	21	NCAC	16Q	.0407
<u>Procedure for Moderate Pediatric Conscious Sedation Evalu...</u> Amend*	21	NCAC	16Q	.0408
<u>Annual Renewal Required</u> Amend*	21	NCAC	16Q	.0501
<u>Payment of Fees</u> Repeal*	21	NCAC	16Q	.0502
<u>Inspection Authorized</u> Amend*	21	NCAC	16Q	.0503

APPRAISAL BOARD

The rules in Subchapter 57A cover licensing, certification and practice rules for appraisers including application procedures (.0100); licensing and certification (.0200); examination (.0300); general practice requirements (.0400); appraisal standards (.0500); and experience credit (.0600).

<u>Appraisal Standards</u> Amend*	21	NCAC	57A	.0501
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CONTESTED CASE DECISIONS

This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: oah.clerks@oah.nc.gov or phone 919-431-3000.

OFFICE OF ADMINISTRATIVE HEARINGS

*Chief Administrative Law Judge
JULIAN MANN, III*

*Senior Administrative Law Judge
FRED G. MORRISON JR.*

ADMINISTRATIVE LAW JUDGES

Melissa Owens Lassiter
Don Overby
J. Randall May
David Sutton

A. B. Elkins II
Selina Malherbe
J. Randolph Ward
Stacey Bawtinheimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>PUBLISHED</u>			
18	CPS	00562	4/25/2018	Sonja Hall	v.	State of North Carolina Crime Victims Compensation Commission	Sutton
17	DHR	06738	4/4/2018	John E Sloan Jr ROJ Mental Health & Substance Abuse Services	v.	Sandhills Center	Overby
17	DOJ	03199	4/24/2018	Jason George Andrews	v.	NC Sheriffs Education and Training Standards Commission	Bawtinheimer
17	DOJ	06743	4/19/2018	Joshua Orion David	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinheimer
17	DOJ	07217	4/24/2018	James Casey Locklear	v.	NC Sheriffs Education and Training Standards Commission	Overby
17	DOJ	07406	4/13/2018	Lashonda Owens	v.	NC Sheriffs Education and Training Standards Commission	Elkins
17	DOJ	07633	4/13/2018	Nicholas Chase Worsley	v.	NC Sheriffs Education and Training Standards Commission	Elkins
15	EDC	07248	4/24/2018	Kimarlo Ragland	v.	N C Department Of Public Instruction (licensure section) c/o June Atkinson (Supt of Public Instruction)	Ward
17	EHR	08455	4/12/2018	DAQ 2017-037 Dallas Norman	v.	Divison of Air Quality, NCDEQ	Malherbe

CONTESTED CASE DECISIONS

				UNPUBLISHED			
17	ABC	08562	4/26/2018	NC Alcoholic Beverage Control Commission	v.	Good Food Market and Grill Inc T/A Good Food Market and Grill	May
18	ABC	00506	4/16/2018	NC Alcoholic Beverage Control Commission	v.	K V E C, LLC T/A Press Box Bar and Grille	Sutton
18	ABC	00752	4/27/2018	Troy D Billups	v.	Fayetteville Police Dept. Gina Hawkins	May
18	ABC	01439	4/20/2018	ALE Gloria Johnson	v.	ALE	Lassiter
16	CSE	11560	4/25/2018	Michael C Uhlhorn	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
17	CSE	05592	4/26/2018	Jeffery McKiver	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Elkins
17	CSE	06010	4/3/2018	Magdalen Ramos	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
17	CSE	06849	4/3/2018	Timothy Beckman	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinheimer
17	CSE	06916	4/20/2018	William R Hinnant	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
17	CSE	07064	4/10/2018	Katherine Hawks Davidson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
17	CSE	07152	4/27/2018	Criss W Wyenandt	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	07234	4/3/2018	Luke D Beach	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Bawtinheimer
17	CSE	07451	4/24/2018	Alvin Clark	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	07565	4/9/2018	Michael A Schwartz	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	07572	4/25/2018	Andrew Egan Newton	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	07605	4/26/2018	Michael J Swann	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
17	CSE	07733	4/9/2018	Kenneth J Welch	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
17	CSE	07743	4/9/2018	Dominick Perez Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
17	CSE	07787	4/18/2018	Don W Oliveira	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton

CONTESTED CASE DECISIONS

17	CSE	07957	4/9/2018	Abisai S Flores	v.	North Carolina Department of Health and Human Service Division of Social Services Child Support Enforcement Section	Lassiter
17	CSE	07959	4/27/2018	Solomon Oppong-Agyare	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	08050	4/10/2018	Marcus A Pyle	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Lassiter
17	CSE	08106	4/24/2018	Michael R Dail	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Lassiter
17	CSE	08215	4/3/2018	Vicente J Hill	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	08281	4/19/2018	Danita Manning	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
18	CSE	00059	4/30/2018	Joseph R Inman	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
18	CSE	01161	4/27/2018	Antonio D Adams	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
18	CSE	01475	4/20/2018	Warren R Pettiford	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
18	CSE	01611	4/27/2018	Junior L Powell	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
17	DHR	01779	4/27/2018	Raintree Healthcare of Forsyth LLC DBA Integrity Assisted Living	v.	Division of Health Service Regulation NC Department of Health and Human Services	May
17	DHR	06947	4/17/2018	Angela Aytche	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Elkins
17	DHR	08125	4/17/2018	Rock Pillar, LLC	v.	Pamlico County Health Department North Carolina Department of Health and Human Services	Ward
17	DHR	08291	4/11/2018	Envisions of Life, LLC Genta Hughes	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Malherbe
18	DHR	00470	4/11/2018	Bennett's Family Care Home FCL-041-002	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Malherbe
18	DHR	00623	4/13/2018	Erica Fennell	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Mann
18	DHR	00838	4/17/2018; 4/18/2018	Brenda Myree	v.	Division of Child Development and Early Education- Department of Health and Human Services	Sutton
18	DHR	01395	4/25/2018	Sara Mumpower	v.	Caldwell County DSS	Sutton

CONTESTED CASE DECISIONS

18	DHR	01473	4/24/2018	Patrick Herron	v.	Department of Health and Human Services, Division of Health Service Regulation	Malherbe
18	DHR	01550	4/25/2018	Holly Eades	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Sutton
17	DOJ	08219	4/17/2018; 4/18/2018	Albert Lee Davis	v.	NC Sheriffs Education and Training Standards Commission	Overby
18	DOL	00677	4/12/2018	Brian Peele Space Walk of the Piedmont Triad	v.	NCDOL Mike Hopper	Mann
18	DST	01699	4/30/2018	Tracy Eugene Perry	v.	North Carolina Dept of State Treasurer Retirement Systems Division	Ward
18	EHR	01183	4/10/2018	Francis X Deluca	v.	Dept of Environmental Quality	Bawtinheimer
18	OSP	00749	4/9/2018	Francis Antonio Adkins	v.	Eastern North Carolina School for Deaf	Lassiter